

Methods and Practices (MAP)

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PREFACE

ACKNOWLEDGEMENTS

Thanks to Office of Child Care Policy (OCCP) support and licensing staff, supervisors, program managers, regional managers and office chiefs for creating this guide.

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LICENSING AUTHORITY

Revised Code of Washington (RCW)

Washington statutes establish and govern licensing authority. Statutory or RCW provisions are law and cannot be waived. For example, RCW 74.15.020 limits the maximum number of children in family homes to 12. The licensor cannot waive or modify this limitation.

The primary statutes (RCWs) governing licensing are:

- “Agencies for Care of Children, Expectant Mothers, and Developmentally Disabled Persons”, Chapter 74.15;
- “Office of Child Care Policy; Child Care Coordinating Committee; Resource and Referral Agencies; Chapter 74.13;
- “Background Checks”, Chapter 43.43;
- “Public Assistance”, Chapter 74.12; and
- “Administrative Procedures Act”, chapter 34.04.

Washington Administrative Code (WAC)

Statutes (RCWs) are implemented by administrative rules entitled the Washington Administrative Code or WAC. Licensing WACs are also referred to as Minimum Licensing Requirements or MLRs. WACs are changed to conform to new or modified legislation.

WACs can be waived when the provider demonstrates to the licensor's supervisor/regional manager's satisfaction that an alternative satisfies WAC intent.

"SHALL, MUST, SHOULD AND MAY"

For purposes of this document:

- "Shall" or "Must" means the policy, procedure or action is required;
- "Should" means the policy, procedure or action is best practice; and
- "May" means the policy, procedure or action is a suggested option.

CHAPTER ONE

CHILD CARE LICENSING OVERVIEW

~CHILD CARE AND EARLY LEARNING HISTORY~

The Office of Child Development, which later became the Office of Child Care Policy (OCCP), was established in 1987 by statute (RCW 74.13) based on recommendations from the Governor's Task Force on Children's Day Care and Welfare Reform Planning. OCCP's purpose was to create and administer policy and procedures resulting in improved child care quality. It was also to create a network of resource and referral agencies designed to furnish information to parents and liaison with various child care entities within each community.

In 1988, the statute was modified to create the Child Care Coordinating Committee (CCCC or 4 Cs). The Committee was established to facilitate communication and coordination among state agencies involved in child care and to make recommendations to the legislature and agencies about improvements in child care services and systems. OCCP was given responsibility to convene and provide staff support to the CCCC; in turn, the CCCC was to advise OCCP in carrying out its responsibilities.

The CCCC's Partnership Subcommittee was established by the 1989 legislature to create a liaison between OCCP and the Department of Community, Trade and Economic Development, thereby encouraging business support of child care.

In January 1994, child care licensing was transferred from Division of Children and Family Services (DCFS) to OCCP. This move strengthened the licensing function and ensured systematic review of the health, safety and well being of children in child care. Additionally, interaction between licensing and child care policy development was enhanced.

In October 1996, Governor Lowry established the Division of Licensed Resources (DLR) within Children's Administration. DLR included OCCP, the Office of Foster Care Licensing (OFCL), and the licensed facility child abuse and neglect (CA/N) investigations section, DLR/CPS.

The Division of Child Care and Early Learning (CCEL) was created in July 2001 and OCCP moved to CCEL as part of Economic Services Administration (ESA). This action consolidated OCCP functions (policy, programs, licensing), Department of Health (DOH) inspections, subsidies, and the Head Start Collaboration Project into one agency.

~MISSION, PRINCIPLES, PRIORITIES & RESPONSIBILITIES~

OCCP's statement of "Mission, Guiding Principles, and Roles and Responsibilities" was developed in 1994. Regional teams and central office staff identified mission elements and after considerable review, composed the mission statement.

The mission statement will be revised by CCEL after July 2001 to reflect new and changed organizational responsibilities.

MISSION

OCCP's mission is to promote responsive community based services and systems that provide high quality, developmentally appropriate child care for the diverse children and families of Washington.

PRINCIPLES

In response to people we serve, and toward a lasting stewardship that enhances the investment of future resources, we value:

- the uniqueness of individual children and families;
- providers and child care professionals who deserve adequate salaries and opportunities for career development;
- knowledge and education in child development and early education for providers, parents, and licensors;
- safe, developmentally appropriate child care as the basic right of all children;
- the diversity of Washington's families, child care providers, agency staff, and others involved in child care and early education;
- responsive, proactive, empowered staff who demonstrate creativity along with individual accountability;
- collaborative, inclusive relationships among providers, consumers, businesses, advocates, policy makers, agency staff, and other community members involved in child care; and
- careful stewardship of the agency's vision and resources as we work to empower families, children, and providers to create and maintain excellent child care services and systems.

PRIORITIES

The Department's first priority is to protect and improve the health, safety, and well being of children. Specifically, the licensor *and health specialist when appropriate* must first investigate complaints and take action to remedy deficiencies and/or dangerous situations. Second priority is given to processing licensing and relicensing applications within the 90 days allowed by law.

A priority underlying all responsibilities and functions is to execute tasks in a responsive, courteous, and respectful manner.

RESPONSIBILITIES

- To develop standards and regulations for child care homes and centers;
- To increase access to licensed child care through subsidies for low income and at-risk families;
- To coordinate and offer relevant education and support to providers, parents, and the broader child care community;
- To provide leadership for collaborations working to improve child care quality and supply;
- To collect, maintain, and distribute child care information; and
- To increase the supply of high-quality licensed child care by:
 - ◆ funding resource and referral services;
 - ◆ facilitating recruitment and training efforts;
 - ◆ advocating for adequate subsidy rates;
 - ◆ seeking and administering grant funds; and
 - ◆ encouraging other sector investment in child care.
- To administer the following programs:
 - ◆ Federal Child Care Development Fund (CCDF) grant including:
 - serving as single point of contact regarding fund administration;
 - determining usage and priorities for block grant expenditures;
 - promulgating rules and regulations governing administration;
 - submitting required reports;
 - ensuring compliance with the plan and federal requirements;
 - overseeing expenditures of funds to sub-grantees and contractors;

- monitoring programs and resources; and
 - fulfilling responsibilities related to complaints, compliance, hearings or appeal actions.
- ◆ Other programs include:
 - Child Care Resource & Referral;
 - Baby/Toddler Initiative & BrainNet;
 - CCCC;
 - State Training and Registry System (STARS) training;
 - Child Care Nutrition subsidy;
 - Child Care Quality Grants;
 - Seasonal, Homeless, Child Welfare & Teen Parent subsidy programs;
 - Career & Wage ladder;
 - Map to Inclusive Child Care;
 - Micro-Loan & Facility Fund; and
 - Families That Work.
- To conduct licensing activity including:
 - ◆ licensing over 2000 child care centers and 7200 family child care (FCC) homes;
 - ◆ re-licensing facilities every three years and monitoring at least once between licensing periods;
 - ◆ monitoring child care centers at least once a year; and
 - ◆ carrying an annual workload of:
 - over 2300 new license applications;
 - approximately 40,000 criminal history checks;
 - approximately 5000 complaint investigations;
 - monitoring each month approximately 300 probationary licenses issued to providers who are chronically non-compliant; and
 - preparing for court hearings for over two dozen revoked or suspended licensees.

~ORGANIZATION~

Division management consists of the Division Director, Licensing Field Administrator, and policy and program section administrators located at headquarters (HQ), and regional managers and supervisors located in offices within the seven administrative regions.

The Division Director reports to the Assistant Secretary of ESA. The Licensing Field Administrator and policy and program section administrators report to the Director.

Regional managers report to the Licensing Field Administrator. Supervisors, child care center licensors and *health specialists* report to regional managers. FCC licensors and office support report to supervisors or to regional managers depending on regional characteristics.

Program managers responsible for program, subsidy, and policy administration report to the policy or program section administrator. Central support staff reports to the appropriate HQ administrator.

THE DIRECTOR

- manages statewide policy, grants, personnel, and budgets
- coordinates with DSHS divisions, other state agencies, community organizations; and
- represents the Division to the legislature, CCCC, other stakeholder groups, and to the media.

THE LICENSING FIELD ADMINISTRATOR

- manages and evaluates the work of seven regional managers;
- assesses child care community needs by improving program responsiveness, supporting development of child care systems and resources, responding to concerns from the legislature regarding local and state-wide licensing issues, and writing briefing papers as necessary; and
- ensures the licensing function has clear lines and definitions of authority commensurate with responsibility and emphasis is on decision-making at the lowest possible level by employees who can understand the situation, weigh alternatives, and select the best course of action.

POLICY & PROGRAM SECTION ADMINISTRATORS

- Position descriptions to be determined.

REGIONAL MANAGERS

- recruit, select, hire, train, supervise, and evaluate licensing and support staff within their region;
- manage the regional budget, sign licensing waivers, provide staff with necessary resources, review compliance and accountability, ensure complaints are responded to and monitored within required time frames, and ensure licensing and re-licensing occur within the 90 days allowed by law;
- hold case staffings, review licensing files, approve/disapprove licenses, and work with licensors and legal counsel on initiating corrective action against licensees; and
- cooperate with community stakeholders, consult with Assistant Attorneys General (AAGs), and serve as spokespersons within their region.

SUPERVISORS

- are responsible for some or all family child care licensing staff ensuring complaints, monitoring, and licensing and re-licensing are responded to within required time frames; and
- hold case staffings with licensors, review licensing files, sign licenses, and work with licensing staff, the regional manager and legal counsel on initiating corrective action against licensees when necessary.

CHILD CARE LICENSORS

Ensure over 9,000 child care homes and centers meet licensing standards by providing:

- orientation and training;
- background checks;
- licensing, monitoring, and re-licensing including:
 - ◆ reviewing application packets for accuracy;
 - ◆ collecting and reviewing background check information;
 - ◆ inspecting and monitoring facilities;
 - ◆ identifying and documenting deficiencies; and
 - ◆ establishing corrective action plans.

- consultation to develop minimum standard alternatives;
- complaint investigation and corrective action including:
 - ◆ documenting problems; and
 - ◆ establishing corrective action plans.
- consultation with regional managers to identify possible adverse licensing actions; and
- collaboration with community entities such as resource and referral, health departments, fire inspectors, institutions of higher education, and food programs.

Health Specialists

Ensure that over 9,000 child care centers and homes have access to health and environmental safety consultation and technical assistance and that child care centers meet health and environmental safety minimum licensing standards by:

- **Reviewing construction plans and providing feasibility studies for new centers;**
- **Conducting health and safety surveys in child care centers;**
- **Investigating complaints that involve health, safety, and accidental injuries requiring medical attention from a health care provider ;**
- **Identifying and documenting deficiencies;**
- **Establishing corrective action plans;**
- **Consulting to develop minimum standard alternatives;**
- **Consulting with regional managers to identify possible adverse licensing actions; and**
- **Providing new and renewal orientation, health and safety education and technical assistance for child care providers and family home licensors;**
- **Building partnerships with other agencies, organizations, and stakeholder groups such resource and referral, health departments, fire inspectors, institutions of higher education, and food programs.**

HEADQUARTERS PROGRAM & POLICY PROGRAM MANAGERS

- provide support to field staff and community child care providers;
- manage grants and contracts for resource and referral and provider training;
- coordinate child care and licensing policy development;
- create and edit forms, publications, and manuals including “The Link” (child care provider and licensing quarterly newsletter);
- provide support for the child care subsidy program such as Working Connections Child Care, Homeless Child Care and Seasonal Child Care;
- provide support for the CCCC and Subcommittees; and
- monitor legislative actions and bills, develop budget proposals, and respond to legislative inquiries.

LICENSING SUPPORT STAFF

Support staff provide valuable assistance to management and licensors by carrying out a wide variety of duties requiring computer, clerical, telephone, and customer service skills.

Support staff statewide customarily perform the following duties:

- sends initial licensing information to prospective providers and processes applications and re-applications;
- completes initial data entry, and maintains, updates and purges information in the computer information system for homes and centers;
- gathers and organizes information for “Criminal History Background Inquiries” and “Child Abuse/Neglect” (CA/N) checks;
- assigns provider numbers and updates provider files;
- completes fire and health inspection requests for centers and notifies city/county planning agencies about proposed centers; and
- performs receptionist duties and answers general questions from providers and parents.

~COMMUNITY PARTNERS~

Because of size and complexity of child care services and systems, improving quality requires cooperation among many constituencies. While CCEL plays a leadership and facilitator role, lasting improvement depends on mobilizing resources of many community organizations to accomplish one common mission.

OTHER DSHS AGENCIES

CCEL cooperates and collaborates with:

Children's Administration (CA)

The Division of Children and Family Services (DCFS) includes CA Intake, the Division of Children and Families Services (DCFS) and the Division of Licensing Resources (DLR).

DLR includes the Office of Foster Care (OFCL) and DLR/CPS investigators who investigate allegations of child abuse and neglect in licensed child care facilities and/or facilities subject to licensing.

Economic Services Administration (ESA)

ESA includes staff who authorize state subsidies for child care. CCEL staff must give providers payment materials to assist in understanding the DSHS payment system and in claiming child care subsidies. When overpayments or poor business practices by providers serving DSHS subsidized children occur, licensors must notify the appropriate program manager in ESA or CCEL.

Division of Developmental Disabilities (DDD)

DDD staff provide information, referral and services to families with children who have special needs.

Social Service Payment System (SSPS)

SSPS staff administer SSPS provider numbers and payments to prevent overpayment.

Office of Financial Recovery (OFR)

OFR processes child care fee payments, refunds, and provides "Financial Assessment" analyses on child care providers.

OTHER GOVERNMENTAL AGENCIES

CCEL cooperates and collaborates with:

National Child Care Information Center (NCCIC)

NCCIC gathers and distributes licensing, subsidy and policy information from a national perspective.

Assistant Attorneys General (AAG)

AAGs provide legal advice on licensing issues which may include issuing a probationary license, imposing a civil fine, denial, suspension or revocation of a license, or preparing a case to do so.

Public Schools

CCEL may certify child care programs operated by public school staff.

Head Start and Early Childhood Education Assistance Program (ECEAP)

Head Start and ECEAP provide early care and education programs for children and families. CCEL exchanges information with these agencies to ensure quality care and programs related to licensed facilities. Head Start and ECEAP are typically exempt from licensing because sites are usually operated by governmental agencies.

State Fire Marshal

Fire marshals certify child care centers meet fire safety standards as required by RCW 74.15. CCEL staff must inform the Fire Marshal of structural changes, changes in location, and facility closures. Fire marshals also train and provide consultation to licensors.

USDA Child Nutrition Programs

USDA food programs are federally funded and administered through the Office of the Superintendent of Public Instruction (OSPI). Private and public sponsors administer the program for family child care homes while child care center programs are administered directly by OSPI. CCEL informs providers about food programs and food program staff inform licensors of licensing violations observed at monitoring visits.

Department of Health (DOH)

Effective July, 2001, DOH surveyors are part of CCEL and provide initial and “initial to full” health inspections to certify child care centers meet health standards. They also investigate health related complaints, re-license facilities referred by licensors, and provide health related training and consultation to all CCEL licensors. CCEL licensors must inform surveyors of center changes and closures.

City and County Public Health

Some public health agencies or local health jurisdictions (LHJ) provide consultative, educational, and referral services on the health, safety, nutrition, and environment of children in care. LHJs provide information on immunizations and communicable diseases. These agencies may also provide information on behavioral and developmental concerns related to individual children.

Military/Department of Defense (DOD)

The DOD licenses facilities located on military installations. CCEL may issue provider numbers to allow military licensed facilities to serve DSHS subsidized families. CCEL accepts certification of homes and centers on military installations licensed by the military without further investigation. CCEL jointly licenses military family child care homes and centers not located on military installations.

City and County Land Management and Zoning

CCEL provides information to these local entities as required. However, the Department is not required to ensure providers comply with local rules prior to issuing a child care license.

Law Enforcement

CCEL exchanges information with city, county, state police and other law enforcement agencies regarding applicants, child abuse and neglect, and criminal histories.

Community Public Health and Safety Networks

CCEL works with local community networks established by RCW 7.15.080 to integrate programs for “at risk” children and families, and to streamline programs for children and families, including child care programs.

Native American Tribes

CCEL works collaboratively with tribes and provides consultation as requested. If the tribe licenses family child care homes or centers and has an agreement with DSHS, tribally licensed homes may be certified without further investigation.

City and County Child Care Subsidy Programs

CCEL must exchange information regarding child care programs with city and county child care subsidy program staff.

COMMUNITY STAKEHOLDERS

- Washington State Family Child Care Association and local affiliates
- Washington Association for the Education of Young Children
- Director's Associations for child care center directors
- Resource and Referral Agencies
- Chemical Dependency Treatment Providers
- Medical and counseling professionals
- Child Care Coordinating Committee and subcommittees
- Community and Technical Colleges
- State and private colleges and universities
- Sudden Infant Death Syndrome (SIDS) Foundation of Washington
- BrainNet
- Latino Task Force
- Culturally Relevant Anti-Biased (CRAB) Task Force
- Kids Count
- Center on Human Development and Disability
- Dispute Resolution Centers
- Child Care Works for Washington

TRAINING & SUPPORT RESOURCES

The State Training and Registry System (STARS) provides licensees with information regarding mandated and optional training opportunities. Accessing this information is necessary to ensure licensees receive STARS credit for training offered by organizations such as:

- Child Care Resource and Referral Agency training including initial mandated child care provider training and other workshops;
- National Association for the Education of Young Children (NAEYC), Washington affiliate (WAEYC) and other local affiliates which provide meetings, training and conferences, as well as some scholarship funds, publications, and accreditation;

- National Association for Family Child Care (NAFCC), Washington Family Child Care Association and local affiliates which provide meetings, support, training, conferences, mentoring, and accreditation;
- Early Childhood Education programs at community and technical colleges which award one year certificates and two year associate degrees as well as give credit for CDA credentials and in some cases, offer classes specifically focused on family child care;
- National School-age Care Alliance (NSACA) and Washington (WASACA) affiliate and regional representatives which provide training, resources, and conferences;
- BrainNet – A network of individuals and organizations who provide training in brain research, especially relating to brain development in the first three years;
- Local public health departments which provide training and consultation;
- The Child Development Associate (CDA) credential available through NAEYC with local mentors provided to assist candidates through the process;
- USDA food program sponsors;
- Educational Service District (ESD) and other public school resources which may be open to those not employed by these programs;
- Head Start and Early Childhood Education and Assistance Program (ECEAP) which may be open to those not employed by these organizations;
- Training offered by large child care centers, consortia, or chains which may be open to those not employed by these organizations;
- Local child care center directors associations which offer meetings and support;
- Opportunities for mentoring (one on one support and training) through several of these organizations;
- Early intervention programs designed to identify and serve children with special needs, such as Birth to Three;
- Journals such as “Young Child” and “Child Care Information Exchange”; and
- Learning opportunities ranging from television (Early Childhood Education Telecommunications Project) to the Internet (ERIC clearinghouse: ecenet-1@vmd.cso.uiuc.edu) to interactive classrooms offered by Washington State University.

LICENSOR TRAINING RESOURCES

- National Association of Regulatory Agencies (NARA)
- National Association for the Education of Young Children (NAEYC)
- National Association of Social Workers (NASW)
- Child Welfare League of America (CWLA)
- National Institute for Playground Safety Inspectors (NIPSI)

Health Specialist Resources

- American Academy of Pediatrics
- American Public Health Association (APHA)
- American's With Disabilities
- Centers for Disease Control
- Consumer Product Safety Commission (CPSC)
- Environmental Protection Agency
- Food and Drug Administration
- Local Health Jurisdictions
- Local SIDS Foundation
- National Environmental Health Association (NEHA)
- National Sanitation Foundation (NSF)
- NW Center for Public Health Practice
- The National Sudden Infant Death Syndrome (SIDS) Foundation
- Washington State Department of Health
- Washington State Environmental Health Association (WSEHA)
- Washington State Public Health Association

RELEVANT PUBLICATIONS

- "The Link for Child Care Professionals"
- "Young Children" (NAEYC)
- "Child Care Information Exchange" (Exchange Press, Inc., Redmond, WA)
- "The Well-Centered Child" (Willow Tree Publications, Nashville, IL)
- "Early Childhood Today" (Scholastic, Inc., New York, NY)
- "Child Care Business" (Phoenix, AZ)
- "School-age Notes" (Nashville, TN)
- "Zero to Three" (National Center for Infants, Toddlers, and Families, Washington, DC)
- Child Health ALERT Newsletter
- Control of Communicable Disease Manual (APHA)
- ABC's of Safe and Healthy Child Care (CDC)
- Caring for Our Children (National Resource Center for Health and Safety in Child Care)

~CODE OF ETHICS~

This “Code” was derived from the National Association for Regulatory Administration's Code of Ethics for Regulators. Licensors and Health Specialists are considered “Section 4 employees” for purposes of the state employee ethics code.

PURPOSE

Because regulation involves the use of government authority, potential for abuse of authority exists. Maintenance of public trust and consumer confidence requires regulators to use authority wisely and with integrity. The purpose of this Code is to provide guidelines for ethical regulatory behavior.

COVERAGE

Any person who, because of employment, regulates individuals or organizations providing human care services to children is covered by this code.

COMPETENCY & PROFESSIONALISM

Licensors and health specialists should:

- receive current training about pertinent laws and regulations;
- possess educational and program experience regarding needs of the regulated population sufficient to apply laws and regulations and to evaluate and assist facility programs;
- have a working knowledge of referral or assistance resources;
- have a working knowledge of effective communication techniques and effective use of authority;
- meet job certification requirements;
- be willing to seek out and participate in opportunities for professional growth and training;
- vigorously uphold legal provisions regulating public disclosure, avoid of conflict of interest, and observe due process requirements;
- maintain the integrity of public records and confidential information;

- enforce regulations in accordance with agency management policies and principles;
- be able to explain the reason for each regulatory provision;
- encourage providers to achieve highest possible performance;
- provide information and assistance to improve understanding and ability to serve children in care;
- actively assist service consumers, their families, and the general public to understand the purpose and function of the child care regulatory process;
- carry out duties in a professional, competent, even-handed and courteous manner;
- avoid the appearance as well as the fact of improper, unfair, unethical, or self-serving conduct;
- behave in a manner that earns respect, trust and confidence, and reflects positively on the Division;
- promptly disclose any personal or financial interest that might appear to influence actions;
- avoid the fact or appearance of using the position to endorse a particular product, licensee or service provider, or a group of such licensees or service providers; and
- report promptly to the appropriate supervisory agency any reasonable suspicion or evidence that they or any other licensor may have abused the authority of the regulatory position.

Licensors and *health specialists* should not:

- use positions for personal gain from those they regulate;
- accept gifts, services, benefits, advantage, or favors from those they regulate;
- apply regulations inconsistently because of arbitrariness, capriciousness, favoritism, nepotism, or personal bias;
- regulate someone with whom they have or have recently had a significant financial or personal relationship;
- exceed the authority delegated by laws, regulations, or their employers;
- depart from decision making processes designed to ensure fair and objective decisions, such as teamwork, joint decision making, and collaboration; and
- engage in partisan political activity and/or endorse organizations or religious affiliations while in the role of licensor.

CHAPTER TWO

LICENSING PROCESS

Child Care's licensing/certification program is mandated by RCW 74.12, RCW 74.13 and RCW 74.15. These RCWs regulate the care and supervision of children.

RCW 74.15.100 "Each agency shall make application for license or renewal of license...Upon receipt of such application, the department shall either grant or deny a license within 90 days...A license shall be granted if the agency meets the minimum requirements...licenses shall be issued for a period of three years."

RCW 74.15.030 (7) "To inspect agencies periodically...."

WAC 388-150-070 (Centers), WAC 388-151-070 (School-Age), WAC 388-155-070 (Homes) Application and reapplication for licensing--investigation.

~LICENSURE~

A license allows an individual or group to meet certain requirements to do something that would otherwise be forbidden. Enforcement is the method of putting laws or regulations into operation. The licensing process is intended to transfer responsibilities from licensor to licensee.

Persons subject to licensure are providing child care for more than one family of non-related children less than twenty four hours a day on a regular basis when care is not in the child's home. According to RCW 74.15.150, any subject person operating without a license shall be guilty of a misdemeanor.

Persons/facilities not subject to licensure are:

- certain persons related to the child;
- legal guardians of the child;
- nursery schools or kindergartens engaged primarily in educational work providing care for less than four hours per day;
- schools, seasonal/summer camps, and hospitals (see WAC 388-151);
- physicians and attorneys;
- facilities caring for children for less than 24 hours while their parents are on the premises and are not working;
- some families caring for a child in a pre-adoptive placement;
- facilities operated by local government, such as municipal parks and recreation programs, state government, such as state schools, or tribal or federal government, such as the military (see Certification);
- facilities in operation before June 1967 not accepting payment from the state and supported by endowment or trust fund; and
- friends and neighbors providing care with or without compensation who are not providing care on an ongoing, regularly scheduled basis for purposes of engaging in a business, which includes, but is not limited to, advertising such care. For purposes of this section:
 - ◆ “advertising” means attempting to solicit child care clients, either directly or indirectly through written or electronic means; and
 - ◆ “business” excludes those persons providing child care for only one family of children or who can demonstrate that their gross earnings from child care will not exceed \$1,000 for the calendar year.

~CERTIFICATION~

Certification differs from licensing. Certification is a process used to ensure facilities legally exempt from licensing meet appropriate Minimum Licensing Requirements (MLRs) to qualify for receipt of DSHS subsidies or USDA child nutrition program subsidies.

Schools and child care facilities administered by local, state and federal government may voluntarily be subject to certification to meet licensing standards to receive state subsidy. Tribes may be certified to receive state subsidy by verifying tribal child care facilities meet tribal licensing standards. The Secretary of DSHS must approve verification.

~PROVIDER–LICENSOR–*Health Specialist* RESPONSIBILITIES~

The licensing process begins at orientation when the prospective provider receives an application and checklist. Orientation gives the provider a clear sense of licensor expectations. The provider and licensor both operate within a 90 day decision time frame once the completed license application, references, criminal background check and licensing fee are received.

THE PROVIDER

- attends orientation;
- submits a completed application with references and attachments including the license fee and a completed history and background inquiry form for all required persons;
- submits Federal Bureau of Investigation (FBI) fingerprint cards for persons residing in the state less than three years and criminal history and background inquiry forms to the background clearance coordinator or licensor for applicants, licensees, employees and other persons, including relatives;
- submits other required materials prior to licensing such as:
 - ◆ copy of health care practices (centers);
 - ◆ copy of policies and procedures for parents;
 - ◆ employment and education resume; and
 - ◆ documentation (may be viewed on-site for center applicants) of:
 - current TB exam (see WAC 388-XXX-220);
 - current first aid/infant-child CPR training;
 - HIV/AIDS training; and
 - local health department approval of private water supply and/or independent sewage system.
- is encouraged to perform a facility self-inspection and complete the "Child Day Care Center Checklist" (DSHS 10-051G), "School Age Child Day Care Center Checklist" (DSHS 10-051F), or the "Family Child Care Home Study (DSHS 10-185x)."

THE LICENSOR

- determines the facility requires licensing;
- offers orientation sessions to potential and renewing applicants;
- monitors applicants completion of processes and paperwork;
- maintains paper and computer information system licensing files;
- inspects the complete facility to determine compliance with WACs and RCWs;
- collaborates with the applicant on completion of the “Facility Licensing Compliance Agreement” (DSHS 10-141) to eliminate deficiencies;
- coordinates with other agencies regarding required facility inspections;
- provides information on STARS requirements;
- awards a program supervisor certificate if the applicant has met educational requirements; and
- issues or denies a license within 90 days of receipt of an application, completed criminal history form and license fee.

If approved, the licensor issues a license to an individual or agency to provide child care at a specific location. The license is not transferable to another person or place. There may be special limitations or requirements attached.

If the license is not issued or denied within the 90 day period, the licensor must consult with supervision or the regional manager to develop a remedial action plan. If the licensee is causing the delay, licensors may require resubmission of the application to begin another 90 day period.

The licensor must inform the provider if the license is denied, suspended, or revoked, or if a person is denied the right to work in child care based on background checks, the licensor must inform that person of their right to an administrative hearing.

STATE TRAINING & REGISTRY (STARS) REQUIREMENTS

Licensors are responsible for verifying STARS requirements are met. This is currently done through visual inspection of training records. The goal is to develop a completely automated system to track provider training records and provide reports for licensors. STARS training compliance must be verified before full licenses and renewal licenses are issued. Since the continuing education requirement is yearly, it is recommended that licensors verify compliance at monitoring and complaint visits. It is not necessary, nor recommended, that licensors ask providers for copies of training records.

Providers are required to submit a Provider Profile within 7 days of licensure or entry into a position requiring STARS training to establish a training record. The form should be provided to FCC providers upon licensure and to center administrative staff at orientations or inspection visits. The Department contracts with an agency to provide STARS information and publicity, data collection, scholarship administration and trainer/training approval.

CHILD CARE CENTERS – ADDITIONAL REQUIREMENTS

When a new license application is received for a child care center, the licensor ensures:

- copies of the center's "Articles of Incorporation", personnel policies, in-service training plan, program description, discipline statement, forms for client records and information, and floor plan are requested.
- a written request for a fire inspection to the State Fire Marshal or local fire officials depending on jurisdiction is submitted. A local or State Fire Marshal's written approval is required before an initial license is issued and the State Fire Marshal's certification is obtained prior to issuing a full license.

- a request for an inspection to the Health Specialist is submitted. A visit from a health surveyor is required before issuing an initial license and *(delete) health certification is required prior to issuance of before issuing a* full license.
- other local authorities are notified, as required by WAC 388-150-040, that an application to open a child care center has been received. However, local authorities “shall be responsible for enforcing city ordinances and county codes, such as zoning and building regulations.” Child care licensing staff is not involved in the local “Certificate of Occupancy” process, unless the document is required for State Fire Marshal approval.

Health Specialist

- *Assists in the health and safety portion of orientation at the direction of the regional manager;*
- *Collaborates with licensor to determine the priority and time frame for completion of health and safety inspection to meet the 90 day RCW for the whole licensing process;*
- *Inspects the facility to determine compliance with health and safety portion of the minimum licensing requirements;*
 - *Completes the health and environmental section of the center checklist DSHS 151 (X) for centers or DSHS 051 (X) for school age during the survey;*
 - *Discusses the survey findings from the checklist and collaborates with the applicant on the completion of the “Facility Licensing Compliance Agreement” DSHS-141 (X) prior to leaving the facility;*
 - *Leaves a signed copy of the checklist DSHS 151 (X) for centers or DSHS 051 (X) for school age and Facility Licensing Compliance Agreement DSHS-141 (X) with the provider prior to leaving the facility;*
- *Provides the licensor with the handwritten or typed completed, signed checklist and signed compliance agreement for the applicants licensing file within the timeframe needed for licensing; and*
- *Documents the SER in Camis.*

The health and environmental safety portion of the survey include:

- First aid/CPR
- HIV/AIDS
- Mold
- Infection Control, sanitizing, preventing disease, illness mgmt, etc
- Health policies and procedures (health care plan)
- Medication management
- Immunizations
- Nutrition
- Food Safety
- Drinking water and sewage
- Toilets/sinks
- Diaper changing
- Tuberculosis
- Allergies
- Special needs
- SIDS
- Infants
- Napping – crib placement & equipment
- Ill child care
- Transportation
- Useable space (capacity)
- Hazards – chemicals/plants/protrusions/etc
- Water – temperature/accessible/safety
- Site location
- Light
- Noise
- Heat
- Sewage disposal
- Animals
- Pests
- Garbage
- Recall equipment
- Disaster
- Fire
- Ventilation
- Air Quality
- General building layout

~CUSTOMER SERVICE~

Sharing of responsibilities resulting from the licensing process requires all parties treat each other with respect and each party fulfills mutual responsibilities.

According to law, the licensor *and health specialist* may only ask the licensee to follow WAC requirements and cannot state “do this” or “do that” when demands are not part of minimum licensing requirements. The licensor must be able to fully explain licensing requirements and provide technical assistance to help providers achieve and maintain compliance. The provider is responsible for implementing and sustaining compliance with these regulations.

To assist licensees in providing higher levels of care, the licensor *and health specialist* may make suggestions and provide consultation.

Licensors *and health specialists* inspecting and monitoring child care facilities often must make difficult decisions interpreting regulations. Because licensing laws and regulations change, enforcing rules not previously enforced may sometimes make the job more difficult. To achieve lasting, quality child care, licensing functions must be carried out using good customer service techniques.

Practices contributing to good customer service are as follows:

Clear Expectations

Clarity of expectations starts with provider orientation and continues throughout the licensing process. It includes giving providers regulations and checklists prior to inspection so providers are well informed about requirements and can make timely improvements.

Listening

Compassionate listening results in learning what is important to providers and often leads to a mutually agreeable solution. Providers want issues taken seriously and want to be heard and understood. Valuable information can be learned through active listening.

Attitude

When talking to an angry parent or provider, it may be difficult to stay calm and focused. Some providers feel powerless in dealing with licensors or other governmental authority figures that they resort to intimidation or personal attacks. It is important to remain composed and respond in a professional manner. The only alternative sometimes is to remain silent until the upset person is ready to rationally address issues.

Responsiveness

Responsiveness involves returning all telephone calls as soon as possible, following through quickly and thoroughly on requested or promised action, and keeping appointments on time.

Fairness

The right to be treated fairly extends to all concerned whether a child in care, a parent, provider, or state employee. Each should have opportunity to know the rules and be assured the rules will be administered equitably. If a dispute exists, each participant should have opportunity to discuss options for resolution. If agreement cannot be reached, all parties should be made aware of appeal procedures.

Respect

Respect is based on allowing others to think through alternatives rather than expecting agreement with only one option. Discussing reasonable options honors a provider's feelings and choices even though there may be disagreement.

Dispute Resolution

When disputes develop despite best efforts, it's often helpful to focus on a common objective, such as "what is in the children's best interests?." Focusing on issues, expectations or regulations rather than on personalities can be critical for conflict resolution and keeping the customer service commitment.

The initial facility inspection visit sets the tone for the entire working relationship. To enhance cooperation, it is best practice to ask the applicant/provider to take the lead. For example, ask the provider to point out where toxic cleaning supplies or medications are kept rather than start opening cupboards. It is best practice to ask the applicant/provider to show where children will play and to describe planned activities rather than lecture the provider on these topics.

The licensor and health specialist should be attentive to provider explanations and general environment. Consider whether the environment is designed to facilitate safe, developmentally appropriate child care. Discuss issues and offer suggestions for improvement in a collaborative manner.

A copy of the "Adult-Sized Guide to Child-Sized Environments" is a useful tool to stimulate cooperative discussion. As both licensor or health specialist and applicant consult the document, deficiencies such as lack of equipment may become apparent to the provider. Any effort toward empowering the provider pays great dividends both in quality of care and enhanced working relationships.

The licensor must work with the director and licensee to ensure facility has developmentally appropriate toys, equipment and learning materials.

The licensor and health specialist promote business and child care environmental standards that support the health and safety of children. If the provider meets minimum licensing requirements, the licensor and health specialist may offer suggestions for enhancements. Inform the provider/director of training opportunities, accreditation possibilities, and other potential improvements.

~ORIENTATION~

WAC 388-150(1)-070 (4) "The applicant, licensee, and director shall attend department-provided orientation training."

Licensors must provide orientation for potential providers and renewal orientation for current providers. Orientation sessions are scheduled for groups at regular intervals or for individuals as needed. Orientation information is standardized throughout the state. Family child care orientation is held separately from child care center orientation.

Upon receipt of an inquiry, the licensor informs the potential licensee of upcoming group or individual orientations. Orientations are scheduled at handicapped accessible locations and are staffed with interpreters and translators if requested.

Orientation should be completed before licensure. Providers should attend orientation again if they do not become licensed within one year of completing original orientation. Providers who move, or close and reopen, should also attend another orientation prior to being re-licensed.

Providers are required to attend renewal orientation within 60 days of the license expiration. Renewal orientation is not standardized and may be designed to fit regional provider needs.

Orientation provides applicants with information on the following topics:

- statutory and minimum licensing requirements:
 - ◆ emphasizing the health, safety and well being of children;
 - ◆ reviewing legal rights, responsibilities and penalties; and
 - ◆ reviewing home study correlation with the WAC and "Guidebook."

- procedures for obtaining a license:
 - ◆ identifying essential time lines;
 - ◆ identifying documents necessary to initiate the process;
 - ◆ identifying documents required before a license is issued; and
 - ◆ identifying reasons an application may be denied.
- mandated reporting requirements including steps for reporting suspected child abuse and neglect;
- health and safety issues and practices including required special training and facility safety enhancements;
- requirements and importance of providing a developmentally appropriate, multi-cultural, anti-bias curriculum;
- information regarding outdoor play safety;
- requirements and options for provider's written policies and procedures which must be given to parents;
- business practices, record keeping, and rates;
- information about subsidy programs;
- required forms including the "Family Child Day Care Home Application" (DSHS 10-204A), "Family Child Care Home Study" (DSHS 10-185x), "School Age Child Day Care Center Checklist" (DSHS 10-051F), or a "Child Day Care Center Checklist" (DSHS 10-051G); and
- STARS requirements and available educational, training and support resources, such as local STARS approved trainers, public health department, fire safety educators, family child care associations, center directors associations, child care resource and referral agencies, and food programs.

Health specialists may be asked to provide orientation and renewal orientation on health and environmental safety topics at the discretion of the regional manager.

Orientation should not cover local laws, ordinances and fees. Provider may be encouraged to seek information through local zoning offices.

~MONITORING & CONSULTATION~

RCW 74.15.030 (7) "To inspect agencies periodically to determine whether or not there is compliance with Chapter 74.15 RCW and RCW 74.13.031...

MONITORING

Facilities are monitored to determine:

- general compliance with WACs;
- completion of a compliance agreement; and
- compliance with WACs in order to qualify for a full license following issuance of an initial license.

Center licensors should monitor facilities annually to determine compliance with WACs. FCC licensors should monitor homes at least once every 18 months to determine compliance with WACs.

When not observing child care interactions for purpose of giving providers feedback, licensors should complete a monitoring "Checklist" form (DSHS-10-239). For systematic monitoring and to complete another compliance agreement, follow suggestions in the "Initial Facility Inspection" section regarding working with providers.

Another monitoring role is to determine how providers supervise, care for, and teach children; specifically, quality of the "provider-child" and "child-child" interactions. By means of such monitoring, the licensor models and emphasizes interactions are an important part of child care and the licensing process.

Such observation and discussion should be included in visits made prior to full licensure and re-licensing. All monitoring visits must be documented in the licensing computer information system.

CONSULTATION

The licensor should discuss the inspection plan with the provider at beginning of the visit. For example, "When we are done with the checklist, I'll sit quietly for about fifteen minutes and just watch. Then we'll take a few minutes to discuss my observations of child/staff interaction."

The licensor might ask the center director to decide which rooms will be observed. It is also helpful to suggest the provider plan an activity for the children to do independently or with another caregiver at the end of observation in order to discuss observations.

Child care providers should be encouraged to:

- think clearly about how interactions with children assist the child to share ideas, experiences and feelings;
- encourage the child to ask questions and solve problems;
- foster creativity and independence in routine activities; and
- treat all children equally regardless of race, religion, and handicapping condition.

Plan time (10 to 15 minutes) to discuss observations with the provider immediately after observation. This feedback can be a powerful teaching tool. Discuss observations of interactions describing events in positive terms. For example, "You smiled at the little girl in red overalls and patted her on the back when she showed you what she'd built with Legos." Ask provider how he/she felt about incidents and exchanges and encourage the provider to discuss why things were done in a certain way.

Unless extremely inappropriate interaction is observed, goals should be determined primarily by the provider and should not be part of any facility compliance agreement.

~LICENSE FEES~

RCW 43.20b.110 "The secretary shall charge fees to the licensee for obtaining a license. The secretary may waive fees..."

WAC 388-150-070 (1)(c)(Centers), 388-151-070(1)(c)(School-Age), 388-155-070 (1)(c)(iii) "Submit to the department...the licensing fee."

WAC 388-150 (1)(5)-990 Fee Waivers. "Fees may be waived when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state"

WAC 388-150(1)(5)-992 Fee payment and refunds. "(1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid. (2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee. (4) ...if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded ...(9) Fee payments shall be by mail. Payment shall be by check, draft, or money order made payable to the department of social and health services."

WAC 388-150(1)(5)-993 Denial, revocation, suspension and reinstatement. "(1) If a license is denied, revoked, or suspended, fees shall not be refunded. (2) Application for license after denial or revocation must include fees as provided for in these rules. (3) Failure to pay fees when due will result in suspension or denial of license."

WAC 388-150(1)(5)-070 License fee amounts

The applicant submits the application and licensing fee, in the form of a check or money order, to the local CCEL office. The licensor must not begin the licensing process until the fee has been received. Applicants customarily pay a fee for a minimum of one year but may pay fees for two or three years. However, the applicant may request a fee waiver if it poses a substantial barrier to becoming licensed or remaining licensed.

Fee payments are administered as follows:

- If the applicant has paid a fee for one or more years and an initial license is issued for less than a year, the fee is prorated and the balance of the fee can either be refunded or held as a credit toward a full license.
- If the applicant withdraws the application before the licensor either issues the license or denies the application, one-half of the fee is refunded.
- If the applicant does not pay by the due date, the license may be suspended. In this case, the computer produces a suspension letter but licensors may contact the licensee prior to sending the letter and if the fee is paid, the license may be reinstated.
- If a licensee makes changes requiring a new license, the licensee submits a new application and fees and any fees paid for the previous license beyond the current year billing period are refunded or credited towards the new license.
- If the licensor takes action to deny, revoke or suspend a license, fees are not refunded.

A full license begins on the date initial license was issued. The computer information system automatically produces subsequent billing notices at appropriate intervals.

The Office of Financial Recovery (OFR) is responsible for management of fee payments and refunds, in addition to collection of civil fines. The address is:

**Office of Financial Recovery
4450 – 10th Ave SE
Mail Stop 45862
Lacey, WA 98503
1-800-562-6114**

~BACKGROUND INQUIRIES~

WAC 388-150-070 (2), (c)(Center)..”the applicant for initial licensure must submit to the department...three professional references each for the licensee, director, and program supervisor.”

WAC 388-151-070 (2), (b)(School Age)...”the applicant for initial licensure must submit to the department...three professional references for the licensee, director and site director.”

WAC 388-155-070 (2),(b)(Home)”...the applicant...must submit to the department...three references for the applicant.”

THE LICENSOR

- contacts three character references, one of whom may be a family member, by mail, telephone, or in person about the applicant's character and ability to provide care for children;
- verifies referent has known the applicant at least one year and has observed the applicant relating to children;
- supplements information obtained by interviews with character references furnished by the applicant;
- may interview family members for family home applicants; and
- may contact additional references as necessary.

~BACKGROUND CLEARANCES~

RCW 74.15.030 (2)(b) (3) ..."investigate the conviction record or pending charges...for determining the character, suitability, and competence of those persons...; ...to investigate any person...for character, suitability, and competence in the care and treatment of children...."

WAC 388-150-070 (Center) (1)(b) "...submit to the department a completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to the child in care;..."

WAC 388-151-070 (School Age) (1)(b) "...submit to the department a completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to the child in care;..."

WAC 388-155-070 (Home) (1)(c)(ii) "...submit to the department...a completed criminal history and background inquiry form for each applicant, assistant, volunteer, or member of the household sixteen years of age or older having unsupervised or regular access to the child in care;..."

WAC 388-146-100 (1) "There are convictions for certain crimes that will permanently prohibit you from being licensed..."

The Department is mandated to conduct criminal history background inquiries on licensed persons or on those authorized by the Department to care for or having regular access to children in child care facilities (RCW 74.15.030). Background inquiries include review of criminal conviction records and pending criminal charges provided by the Washington State Patrol (WSP) and review of Child Protective Services (CPS) records.

FCC licensure applicants and all persons age 16 or older in the applicant's household must complete the "Background Inquiry" form (DSHS 14-239x) at time of application.

Employees and volunteers must complete and submit the “Background Inquiry” form to their employer. The employer, licensee, or authorizing person submits the form to the Department within seven calendar days of the time the employee or volunteers begin working at the facility with children.

However, licensors must not issue a license or otherwise authorize persons to provide care until properly completed inquiry forms have been received and the Department verifies results.

Additionally:

- Child care staff may provide care as long as the state “Background Inquiry” form has been submitted for processing. However, such staff must not have unsupervised access to children until after state background checks have been approved.
- Child care employees in centers or FCC homes may provide up to 120 days of unsupervised child care once state checks have cleared even though FBI fingerprint clearance is pending. The decision to employ these persons to provide unsupervised care of children rests with the licensees. The Department does not authorize, nor approve any individual prior to receipt of a cleared criminal history check.
- FCC licensees may not provide care until the Department has received FBI fingerprint clearances.
- The Client Registry should not be used to obtain information about former or current DSHS clients.

CHILD ABUSE/NEGLECT HISTORY

Licensors check applicants, employees, volunteers and others through the CPS system to determine if records contain any relevant information. If an initial CPS check indicates the individual has been involved in a referral or complaint, the licensor requests case files which may include those from licensing, OFCL, CPS, FRS, and CWS.

If file review indicates the applicant, employee, or volunteer should not receive a license or be working in a licensed facility, the person must be contacted before informing the employer, be given opportunity to meet informally to explain the circumstances, and should also be given notification of the right to request a CPS findings review.

CRIMINAL HISTORY

The Department maintains a list of criminal offenses which, because of their seriousness, disqualify prospective care providers from being licensed or otherwise authorized to provide care to children (see Appendix C, “Disqualifying Offenses”).

For purpose of conducting criminal history portions of background inquiries pursuant to Chapter 74.15.030 RCW, the Department considers only convictions and pending charges. The Department does not solicit nor use, as the sole basis for disqualification, information about arrests not resulting in charges and dismissed charges.

Whenever a background check reveals a prospective applicant or employee, spouse, or other family member has been charged with or convicted of an offense or found to have committed child abuse, neglect or exploitation, the Department takes action as follows:

- If it is determined an applicant has been convicted of felony child abuse, neglect, exploitation, spousal abuse, rape, sexual assault, homicide, or any other offense listed in Appendix C, that person must not be licensed, employed by licensees, serve in a volunteer capacity for licensees, or otherwise authorized to provide care.
- If inquiry reveals charges are pending against the applicant or other parties subject to the list in Appendix C or the equivalent in other jurisdictions, the Department must withhold licensure or authorization to provide care until dismissal or acquittal occurs.

- Pending charges for other offenses may be grounds for withholding licensure or authorization to provide care.
- If inquiry reveals pending charges are more than one year old, the Department may require the applicant to contact the charging law enforcement agency to determine the disposition or status of the charge.
- If inquiry reveals the applicant or others listed above have been convicted of any of the offenses listed in Appendix C or their equivalent in other jurisdictions, the Department must deny licensure or authorization to provide care or approve a waiver granting the applicant authorization to provide care.
- If inquiry reveals the applicant has been convicted of any felony, physical assault, sex offense or controlled substance offense in the preceding five years not listed in Appendix C, the Department may disqualify the applicant from having unsupervised access to children.

The Department may also consider information regarding other convictions in determining character, suitability, and competence of the prospective caretaker as required by Chapter 74.15 RCW. In considering other convictions, the Department:

- does not use conviction as the sole basis for denial of licensure or authorization unless the conviction is directly related to employment, licensure, or authorization being sought.
- does consider how recently the offense occurred, the seriousness, kind, and number of previous offenses, and the vulnerability of the children in care.

A person who is disqualified as a perpetrator of abuse or neglect as a result of findings may request a hearing with DCFS. The hearing may be an informal meeting or an adjudicative proceeding. There is no right to a fair hearing for a person convicted of a crime that disqualifies that person from employment or volunteering in child care.

If a criminal history check comes back with a stamp saying “Pursuant to purposes of inquiry not related to employment, no record in WASIS files based on descriptors provided,” the licensor should ask the applicant why his or her name would be in the WSP data bank and do further checking. Criminal court records are public and can be accessed through the District or Superior Court clerk's office.

ADDITIONAL BACKGROUND INFORMATION

Additional background information may be requested when the licensor has substantial information indicating the applicant may have a behavioral or personality problem that could constitute a risk to the health, safety and well-being of children in care.

The licensor has authority to require the applicant, licensee, staff and/or volunteer to provide information, including, but not limited to, a psychiatric, psychological, psycho-sexual, chemical dependency or other evaluation. In FCC, this authority extends to any household member. Licensors may require the applicant to supply requested information at the applicant's expense.

Licensors must thoroughly discuss with the applicant/licensee the need to obtain additional background information such as a psychiatric, psychological, chemical dependency or other evaluations. Due process dictates that the request for additional information must be logically related to the assumption there is a potential problem constituting a risk to children.

Such required information or evaluation must be directly related to the applicant's ability to care for children and/or a problem that could constitute a risk to children in care.

If an applicant has been licensed previously or has had a license denied or revoked by another state or by a private agency in any state, the applicant is required to provide the Department with that information. Failure of an applicant to provide licensing history information on the application may constitute misrepresentation and may be grounds to deny a license.

If a person related is to the licensee, or would have contact with children in care, is known or suspected by any source to have a police record, a request may be made for that record. Either the licensor or the subject person may request this information. The applicant should be informed prior to the request and be given opportunity to withdraw the application. Police checks should be made only after receipt of the signed application and signed criminal history release form.

Background inquiries may include a review of law enforcement conviction records and pending charges in other states or locations whenever need for further information is indicated.

~FBI FINGERPRINT CLEARANCES~

RCW 74.15.030 (2)(b) ...In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state...during the three-year period before being authorized to care for children shall be fingerprinted. ...The fingerprint...checks will be at the expense of the licensee...The licensee may not pass this cost on to the employee or prospective employee unless the employee is determined to be unsuitable due to his or her criminal history record..."

WAC 388-330 (This WAC is being revised to reflect the RCW).

Any licensing applicant, employee or other persons over the age of 16 who has regular or unsupervised access to children and has resided in Washington for less than three years must:

- obtain two FBI fingerprint cards, a "Criminal History Background Check Request" (DSHS 14-239x), a pre-addressed envelope, and a "State Patrol/FBI Fingerprint Check Procedures" form from the licensor;
- complete the top section of the fingerprint card in black ink following directions on "FBI Fingerprint Card" sheet;
- go to any police or sheriff's department (not State Patrol) for fingerprinting and pay a processing fee of approximately \$10.00; and
- send the completed fingerprint cards, completed "Criminal History Background Check Request", and a \$55.00 money order or business check to the Background Clearance Coordinator using the pre-addressed envelope.

Licensors must wait for FBI clearance on owners/directors/family child care providers before granting an initial license. Child care employees waiting for FBI clearances may work up to 120 days after receiving Washington State Patrol and DSHS clearance. However, licensors should clearly explain the decision to employ is solely that of the provider and the Department is not authorizing the 120 day provisional employment.

Fingerprint checks take an estimated four to ten weeks to complete. This process has no accelerated emergency check capability. When the check is completed, the licensor receives a WSP "record (rap) sheet" or a "no record" indication and a written determination regarding the applicant's FBI check.

There is no refund if the applicant is denied a license or decides not to continue the process due to information contained in FBI/police criminal history checks. FBI fingerprint checks performed in other states, agencies, schools or the military may not be accepted in lieu of an FBI check performed specifically for Washington State child care facilities.

~DISQUALIFICATION & RELEASE OF CRIMINAL HISTORY INFORMATION~

WAC 388-330-035 Appeal of disqualification. Describes applicability, procedures, appropriate notice, manner of removing a disqualification.

WAC 388-330-035 (2) “ If the department during employment or at the time of employment, determines that a person is disqualified from employment with a child care agency for not meeting minimum requirements under chapter 74.15 RCW or rules promulgated thereunder, the department shall give written notice of disqualification to the person. The notice shall state what the person is disqualified from doing, reasons for the disqualification, and the applicable law under which the person is disqualified, and their right to an adjudicative proceeding under chapter 34.05 RCW.”

The Department furnishes to the criminal history check applicant:

- criminal inquiry information regarding convictions and pending charges used to disqualify an employee or volunteer; and
- any other inquiry information used in withholding licensure or care authorization based on information.

Licensors must contact employers immediately if an employee’s criminal history would disqualify the employee for caring for children. Licensors may only share whether an employee is disqualified or not disqualified by the background check. Licensors must give written notice of disqualification to the person. The notice must state what the person is specifically disqualified from doing, reasons for disqualification, and applicable law under which the person is disqualified. The Department is prohibited from informing a licensed provider that an individual has “unfounded” allegations of abuse or neglect.

Licensors must contact applicants or employees with child abuse and neglect histories or non-disqualifying crimes to investigate the situation prior to disclosing the employee's history to an employer. If the licensor determines the applicant or employee should be disqualified, the licensor must give written notice of the disqualification and notify the employer.

The notice must state what the person is specifically disqualified from doing, reasons for the disqualification, applicable law under which the person is disqualified, and rights to an adjudicative proceeding,

Licensors may provide copies of background inquiry results to the person who submitted the background inquiry if there is a written request and proof of identity (such as a driver's license). The employee or volunteer may also request this information through WSP. Licensors may not provide copies of CPS records. The employee or volunteer may request this information from their local CPS office.

Any licensee, employer, contractor or other care provider may be subject to Department sanctions for failure to abide by these conditions.

CHAPTER THREE

LICENSING ACTIONS

RCW 74.15.100 License application, issuance, duration. "...the department shall either grant or deny a license within ninety days...A license shall be granted if the agency meets the minimum requirements...Licenses...shall be issued for a period of three years. The license...is not transferable and applies only to the licensee and the location stated in the application...For...family day-care homes...the license may remain in effect for two weeks after a move..."

RCW 74.15.120 Initial Licenses. "...issue an initial license instead of a full license, to an agency...for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency reasonable time to become eligible for full license..."

RCW 74.15.125 Probationary Licenses. "...the department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance..."

WAC 388-150-085 (Centers), WAC 388-151-085 (School Age), WAC 388-155-085 (Homes). Initial License.

WAC 388-150-080 (4), (5) (Centers), WAC 388-151-080 (4),(5) School Age), and WAC 388-155-080 (4), (5) (Homes) . Full License.

WAC 388-150-098 (Centers), WAC 388-151-098 (School Age), WAC 388-155-098 (Homes). Probationary License.

~LICENSE INFORMATION & TYPES~

When applicants meet minimum licensing requirements for child care centers, school age centers or family child care homes, the licensor issues the appropriate license.

LICENSE INFORMATION

- Specifies the facility's name and address, name of the person licensed, type of care authorized, and type of license;
- Specifies the authorized maximum number and age range of children and license's expiration date;
- Is issued for a maximum of three years with initial licenses issued for up to six months, renewable for up to two years, and with probationary licenses issued for up to six months, renewable for an additional six months; and
- Is initiated by the licensor and approved/disapproved by the supervisor/ regional manager.

LICENSE TYPES

License type is determined on the basis of inspections, compliance with the licensing process, and on RCW and WAC requirements. Types of child care center and family child care licenses are:

INITIAL LICENSE

DSHS 10-218A(X) Initial Child Day Care Center License
DSHS 10-092(A) Initial Family Child Day Care Home License

FULL LICENSE

DSHS 10-218(X) Full Child Day Care Center License
DSHS 10-092(X) Full Family Child Day Care Home License

PROBATIONARY LICENSE

DSHS 10-218B(X) Probationary Child Day Care Center License
DSHS 10-092B(X) Probationary Family Child Day Care Home License

~INITIAL LICENSE~

RCW 74.15.120 "...issue an initial license instead of a full license for a period not to exceed six months, renewable for a period not to exceed two years..."

WAC 388-150-085 (Center), WAC 388-151-085 (School Age), WAC 388-155-085 (Home)

An initial license is issued when the applicant is not currently licensed and when the applicant is in compliance with health and safety rules but cannot demonstrate compliance with rules pertaining to:

- provider or staff interactions;
- capacity or group size;
- behavior management;
- activities and routines or program;
- child records;
- time necessary to provide required outdoor play area; or
- other rules requiring observation for compliance.

Initial licenses usually are issued to new FCC providers who have no child care experience and are customarily issued to center applicants.

The initial license may be issued for up to six months, renewable for no more than two years. The licensor evaluates the applicant's ability to comply with MLRs during initial licensing period. A full license may be granted at any time once MLRs have been met.

The applicant must provide a plan for meeting requirements acceptable to the licensor. During initial licensing period, the licensor monitors progress on plan objectives including:

- interactions with children;
- developmentally appropriate practices;
- behavior management techniques;
- personnel practices;
- business practices;
- ability to maintain environment, equipment, and child records;
- fence/playground safety conditions;
- outdoor equipment; and
- STARS training.

~FULL LICENSE~

RCW 74.15.030 (5) "To issue...licenses to agencies...."

RCW 74.15.100 "A license shall be granted if the agency meets the minimum requirements set forth in Chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith...licenses...shall be issued for a period of three years...is not transferable and applies only to the licensee and the location stated in the application...For..family day-care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move..."

WAC 388-150-080 (Centers), WAC 388-151-080 (School Age), WAC 388-155-080 (Homes).

A full license is issued if inspection demonstrates the applicant meets minimum licensing requirements.

There are no financial eligibility criteria necessary for a license except center facilities must demonstrate sufficient financial resources to operate.

When renewal applications have been submitted prior to the expiration of the license, the current license may remain in effect until a license can be issued.

~PROBATIONARY LICENSE~

RCW 74.15.125 1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance... 2) A probationary license may be issued for up to six months... 3) The department may, at any time, issue a probationary license... 4) An existing license is invalidated when a probationary license is issued. 5) At the expiration of the probationary license... 6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status...." 7) A probationary license must be posted in an area visible to parents...

WAC 388-150-098 (Centers), WAC 388-150-098 (School-Age), WAC 388-155-098 (Homes)

If a provider fails to take corrective action and continuing violations do not pose an immediate threat to the health and safety of children but would be likely to do so if continued, the provider may be issued a probationary license. This serious sanction may be used in addition to or in lieu of civil penalties and other disciplinary action and must be approved/disapproved by the supervisor/regional manager.

If a health specialist determines that a facility meets the criteria for probation, the health specialist will consult with the regional manager and licensor to determine further action. The health specialist may work with the licensor on the following probationary license conditions at the discretion of the regional manager.

Licensors must determine probation conditions in consultation with the provider. Options include but are not limited to:

- placing the facility on no-referral status with child care resource and referral and subsidy programs;
- allowing no new enrollments for the entire facility or for a specific room;
- requiring the licensee and/or staff to complete specified training or to work with a mentor; and
- amending the existing license by reducing numbers or limiting ages of children served.

The licensee must be notified that the existing license is invalid and has been replaced by the probationary license. Notification must:

- be delivered by registered or certified mail;
- include a copy of the probationary license;
- state the reason for the probationary license;
- inform the licensee of any conditions of probation, which may include placement on “no referral” status with resource and referral agencies and subsidy programs;
- explain modifications to the license;
- state the necessity of completing corrections with verification by the Department that violations have been corrected; and
- include a copy of the plan of corrections.

A sample notification letter and “Probationary License Conditions” agreement is included in Appendix B, “Sample Legal Letters.”

The licensee must agree to a probationary license and both licensee and licensor must mutually agree to conditions. If a licensee refuses probationary status, the Department may suspend, revoke, or modify the license. The licensee does not have the right to appeal probationary status, but does have the right to appeal if the Department suspends/revokes the license.

Completing the plan of correction must always be a condition of probation. Conditions of probation may vary during the probationary period. For example, new enrollments may be stopped until all conditions are met or new enrollments may be allowed if some conditions are met.

The licensee must notify parents or guardians of all children in care that the facility is in probationary status within five working days of receiving notification from the Department. The licensor must approve text of the parent/guardian notification letter. Within ten working days of receiving notification, the licensee must provide written documentation to the licensor that letters have been sent [See WAC 388-150 (151,155)-098 (3) (a-c)].

When probationary status is completed a full license may be issued or reinstated after verification that the provider is in compliance with RCWs and WACs. If compliance is re-established a new application is not needed to issue a full license. However, the licensee may be required to continue to submit current information.

The Department immediately terminates a probationary license if at any time the noncompliance for which the probationary license was issued constitutes an immediate threat to the health, safety, or well being of children.

~CORRECTIVE ACTION~

RCW 74.15.030 (6) To prescribe the procedures.. (7) To inspect agencies periodically to determine whether or not there is compliance with Chapter 74.15 RCW.... (9) To consult with ...private agencies in order to help them improve their methods and facilities for the care of children..."

If the violation imminently endangers the lives of children in care, the licensor must immediately initiate a summary suspension of the license.

If a health specialist determines that a violation imminently endangers the lives of children in care, the health specialist must immediately notify the regional manager for further direction.

When a provider does not meet MLRs and the deficiency does not endanger children, the licensor **or health specialist** and provider together must develop a written corrective action plan. Provider involvement results in long lasting provider "ownership" of improvements. The licensor should use the "Facility Compliance Agreement" (DSHS 10-141x). This form includes:

- the violation's required corrections and WAC citations completed by the licensor **or health specialist**,
- specific actions the provider must take to comply which should be completed by the provider; and
- time limits for deficiency correction which should be completed by the provider which vary but should not exceed six months.

However, if after discussion and agreement on a corrective plan, the licensor **or health specialist** continues to have serious concerns, problems may be documented in a letter to the provider. **The health specialist should consult with the regional manager and licensor prior to taking action to identify possible adverse licensing actions.** The letter should cite the MLRs in question, agreement on corrective action, and time frame. The provider may be notified that failure to comply within a specified time frame could result in action against the license.

If the provider needs more information or skills to meet MLRs, the licensor **or health specialist** may require completion of training, mentoring or other assistance as part of the correction plan.

If the provider fails to correct deficiencies within time limits mutually agreed upon, a civil penalty may be assessed, a probationary license may be issued, or a letter of intent to suspend or revoke the license may be issued.

Collection of fines is referred to OFR. The Licensing Policy Manager should be consulted on fines of \$1000 or greater.

~DUAL LICENSE~

WAC 388-150-060 (Centers) "The department may...issue a child day care center license to the applicant having a license involving full-time care;....if the applicant or licensee (a) demonstrates evidence that care of one client category will not interfere with the quality of services provided to another category of clients..."

WAC 388-155-060 (Homes) "The department may...issue a family child care home license to the applicant having a license involving full-time care;....if the applicant or licensee (a) demonstrates evidence that care of one client category will not interfere with the quality of services provided to another category of clients..." Please note there is no WAC is written covering dual licenses for school age care centers.

In general, licenses should not be issued to an applicant for both child care and foster care nor for both children and adults in the same facility. Waivers are granted only if it is clearly evident that care of one client category does not interfere with quality of care provided to another client category.

The provider must request and obtain a waiver for dual licensure. The most stringent maximum capacity limitation for client categories must be maintained.

Licensing staff must confer with the other licensing entity prior to dual licensure submission to the regional manager. Management of both agencies must approve the dual license and any changes in type of care.

~SEASONAL CENTERS~

Seasonal child care centers are licensed following standard procedures. Re-licensing is not required each time the center reopens.

Generally seasonal child care centers operate part of the year. For example, seasonal child care centers open during growing season, close after harvest, and then reopen the next growing season in the same facility with the same program and essentially the same staff.

A seasonal child care center must renew its license every three years.

~CERTIFICATION~

RCW 74.15.020(4)(o;p) "Agency" must not include the following:...an agency operated by any unit of local state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe,...An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter..."

WAC 388-150-020(4);(5)(Centers) "The department must not license the center legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the center as meeting licensing and other pertinent requirements..."The department may certify a day care center for payment without further investigation if the center is: (a) Licensed by an Indian tribe; (b) Certified by the Federal Department of Defense; or (c) Approved by the superintendent of public instruction's office..."

WAC 388-151-020 (2) (School Age) The person or organization operating a school-age child care center and qualifying for an exemption from requirements of this chapter under RCW 74.15.020 (4) must not be subject to licensure. The person or organization claiming an exemption shall provide the department proof of entitlement to the exemption at the licensor's request.

WAC 388-155-020(3);(4)(Homes) "The department must not license a family day care home legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the home as meeting licensing and other pertinent requirements..."The department may certify a family day care home for payment without further investigation if the center is: (a) Licensed by an Indian tribe; (b) Certified by the Federal Department of Defense...

Persons and organizations providing out-of-home child care services must not receive funds from DSHS unless they are licensed or certified.

A person operating a FCC home or center qualifying for exemption under Chapter 74.15.020 (4) RCW is not subject to licensure. However, the licensor may require proof of the person's or facility's non-agency status.

Those legally exempt from licensing (RCW 74.15.020(4), WAC 388-150-020, WAC 388-151-020, WAC 388-155-020) may request certification to enable them to be eligible for receipt of DSHS funds or for other legitimate purposes, such as eligibility for the USDA food programs.

Tribes may receive certification to receive DSHS subsidies without meeting state licensing requirements, a process must be initiated at HQ and does not involve licensors. All other exempt facilities must be certified as meeting state licensing requirements in order to receive state subsidies.

The licensor must request and receive a program application prior to certification to determine if the exempt program meets MLRs. If the program is in compliance, the regional manager issues a certification letter to the applicant. Licensing and monitoring requirements apply to certification status.

FCC homes or centers certified by the DOD are exempt from state licensing requirements. However, if such centers and homes want to serve DSHS subsidized children, they must demonstrate to the Department these facilities meet state or national standards.

~LICENSE CHANGES~

RCW 74.15.030 (5) ...to issue...licenses to agencies...licenses shall specify the category of care...the ages...number of persons to be served..."

WAC 388-150-490 (Centers), WAC 388-151-490 (School Age), WAC 388-155-490 (Homes) "...license is valid only for the address, person, and organization named on the license...report promptly to the licensor any major changes..."

A new license must be issued when a change in operation of the facility renders the existing license inadequate. The licensee must return the outdated license after receiving the new license. Examples of such changes include but are not limited to:

- a change in owners; or
- a change in number and ages of children cared for to the extent that different equipment and procedures may be required.

An existing license may be amended when proposed changes do not negate the existing license or require re-inspections or re-evaluations.

Prior to authorizing an increase in capacity, the licensor must:

- assess space available, provider skills and capabilities;
- assess equipment, materials and supplies to meet the developmental needs of children in care;
- review the history of complaints and deficiencies;
- review compliance with MLR's;
- conduct a site visit, re-measure the area if necessary; and
- review training and experience requirements.

Licensors must evaluate training required for an expanded FCC license and for center directors or program supervisors. Early childhood education and related training offered through institutions approved by the Council for Early Childhood Program Recognition for CDA training is automatically approved once the licensee documents course completion.

Approved institutions may include one, two and four year colleges, resource and referral agencies, WASACA and local affiliates, Washington Family Child Care Association and local affiliates, public health agencies,

Headstart/ECEAP, school districts and ESDs and food programs (see Chapter 1 – Training & Support Resources).

If a provider requests approval for training from other institutions and the licensor is unsure about training content or quality, the licensor consults with community training consultants or the STARS program manager.

~WAIVERS~

WAC 388-150-050 (Centers), WAC 388-151-050 (School Age), WAC 388-155-050 (Homes) (1-5) In an individual case, the department,...may waive a specific requirement and may approve an alternate method...to achieve the specific requirement's intent"

A waiver is an approved variance from minimum licensing requirements. The waiver must meet the intent of MLRs by an alternative method and not jeopardize the health, safety, or well being of children in care. A waiver cannot set aside any provision of law.

In order to issue a waiver:

- the applicant/provider submits waiver request in writing;
- **If the requested waiver is related to health or environmental safety, the health specialist consults with and makes recommendations to the licensor and regional manager:**
- the licensor submits request to the supervisor or regional manager for approval/disapproval
- CA/N waivers must be approved by regional managers
- criminal history check waivers must be reviewed by regional managers and sent to HQ for final approval.

If approved, the provider should post a copy of the written waiver approval on the facility's premises. Denial of a waiver request is not subject to appeal under Chapter 34.05 RCW.

~LICENSE RENEWAL~

RCW 74.15.100 "...each agency shall make application for a license or renewal of license...on forms prescribed by the department...upon receipt of such application, the department shall either grant or deny a license within ninety days..."

WAC 388-150-070 (Centers) WAC 388-151-070 (School Age) and WAC 388-155-070 (Home) "(1) The person...applying for...relicensure under this chapter...shall comply with application procedures the department prescribes

A computer information system generated letter is sent to the provider 120 days prior to license expiration notifying the provider of license expiration and renewal processes.

The provider receives:

- A new "Application for Child Care Center License" (DSHS 10-008x) or "Application for a Family Child Care Home License" (DSHS 10-011x); and
- Licensing checklist "Child Day Care Center Checklist" (DSHS 10-051G), "School Age Child Day Care Center Checklist" (DSHS 10-051F), or the "Family Child Care Home Study" (DSHS 10-185x).

The renewal application including licensing fee and signed criminal history inquiry forms should be submitted 90 days prior to the license expiration date. However, the Department may allow the license to remain in effect if the renewal application is received prior to the license expiration date. The provider may attend and complete renewal orientation within 60 days of expiration of the license.

The licensor must conduct an on-site facility inspection using the "Child Day Care Center Checklist" (DSHS 10-051G), "School Age Child Day Care Center Checklist" (DSHS 10-051F), or the "Family Child Care Home Study" (DSHS 10-185x), and the "Licensed Facility Compliance Agreement" (DSHS 10-141).

If the licensor has concerns about health or environmental safety issues, the licensor may request that the health specialist conduct an on-site facility inspection using the "Child Day Care Center Checklist" (DSHS 10-051G), "School Age Child Day Care Center Checklist" (DSHS 10-051F), or the "Family Child Care Home Study" (DSHS 10-185x), and the "Licensed Facility Compliance Agreement" (DSHS 10-141).

The health specialist must complete the on-site inspection and required paperwork within the specified timeframe.

Provided a timely renewal application is received, the beginning date of the renewal license is the day following expiration of the previous license.

When the expiration date has passed and the provider is working in collaboration with the licensor, the license is considered to remain in effect until MLR compliance is achieved.

If an application for renewal is received after expiration date of the current license, the license is dated effective the date the licensee meets requirements. A valid license is not in force between the expiration date of the current license and the time the licensee complies with MLR.

A child care center may be re-licensed prior to and without receiving fire re-certification. *or health re-certification. DELETE*

A FCC provider who moves must submit a new application. These providers have a two-week grace period during which the old license remains in effect, giving the Department time to re-license the provider in the new facility.

CHAPTER FOUR

COMPLAINT INVESTIGATION

RCW 74.15.030 4) "On reports of child abuse and neglect, to investigate agencies in accordance with Chapter 26.44 RCW, including child day-care centers and family day-care homes...." 7) "To inspect agencies periodically to determine whether or not there is compliance with Chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder..."

WAC 388-150-090 (Center), WAC 388-151-090 (School-Age), WAC 388-155-090 (Home) "Before granting a license and as a condition for continuance of a license, the Department must consider the ability of the applicant and licensee to meet the requirements of this chapter..."

A. Intake Process

CLARIFYING INFORMATION

CA Intake staff receive and document all licensing complaints and child abuse and neglect referrals regarding State licensed, certified, and unlicensed child care facilities. CA Intake staff must enter the complaint or referral information into the CAMIS referral module.

Screening

1. CA Intake will make the initial screening decision and forward it to the appropriate division. Referrals that alleged child abuse and/or neglect (CA/N) will be screened in to the Division of Licensed Resources/ Child Protective Services (DLR/CPS) for investigation. Referrals that do not allege CA/N that are related to licensed, certified, and unlicensed child care facilities must be reviewed by the licensing supervisor. The supervisor must review each referral to determine whether or not Minimum Licensing Requirements (MLR) violations are alleged. If the referral does not allege that MLR(s) have been violated, the licensing supervisor may screen-out the referral. The licensing supervisor must document the reasons for this decision in the CAMIS record. The licensing supervisor or assigned licensing staff may need to gather collateral information to make this determination if the documentation of the referral/complaint received from CA Intake is unclear. All referrals that meet the screening criteria for licensing complaints will be considered Priority One complaints upon initial receipt of the referral. Assigned licensing staff may request that the licensing supervisor review a referral if they believe the allegations meet Priority Two criteria. The licensing supervisor may change the referral status from Priority One to Priority Two as a result of this review. The licensing supervisor must

document the reasons for this decision in the CAMIS record. If an allegation of child abuse and/or neglect (CA/N) is part of the referral/complaint, licensing staff will coordinate investigation of the allegations with staff from the Division of Licensed Resources/Child Abuse and Neglect Section (DLR/CPS).

2. If the licensing supervisor, assigned licensing staff discovers multiple complaints containing the same allegation, all but one of the complaints may be closed using the Duplicate Facility Complaint process in the GUI Facility Complaint Module. One complaint must be retained in order to document investigation actions taken and resolutions. If one of the duplicate complaints is screened in for DLR/CPS investigation, that complaint should be retained. The assigned Licensing staff should staff any multiple complaint situations with supervision prior to initiating this process in the Facility Complaint Module.
3. When a report of CA/N or a Priority One licensing violation is received on a child care facility regarding the care of their own child, the assigned licensing staff must consider the impact on children enrolled in the child care. CA/N referrals involving biological children in licensed facilities will be investigated by DLR/CPS. (Note: Licensing staff do not investigate CA/N allegations.)

If the reviewing supervisor or assigned licensing staff is unsure whether or not a crime has been alleged they should contact the Field Manager and/or the Attorney General for assistance.

4. Reporting Requirements for DCCEL Staff:

All DCCEL staff are considered “mandatory reporters” and are required to ensure that the following circumstances are reported to CA Intake within 24 hours:

- Minimum Licensing Requirement (MLR) violations that occur in DSHS licensed facilities. Licensing staff do not need to report MLR violations that are discovered during a licensing visit when they immediately develop a compliance plan and agreement with the provider;
- Death of a child in accordance with DSHS Administrative Policy 9-01;
- Instances of child abuse or neglect as defined in WAC 388-15.130;
- Suicide attempts resulting in injuries requiring professional medical treatment;
- Any use of physical restraint with an allegation that the restraint was improperly applied or excessive; any physical restraint of a child by staff resulting in the child injury requiring professional medical treatment;
- Sexual contact between two or more children except developmentally typical play of pre-school age children with age-mates;
- Physical assaults between two or more children resulting in the need for professional medical treatment;
- Unanticipated health problems resulting from incorrectly administered medications resulting in professional medical treatment.

- Accidental injuries resulting in the need for professional medical treatment.

Note:	Child Care Providers are also considered “mandatory reporters” and must report the above circumstances to CA Intake as well. If licensing staff become aware of any of the above circumstances, they must make a report to CA Intake within 24 hours, unless they are able to confirm that the report was already made by another “mandatory reporter” ie: center director.
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B. Investigations

DCCEL is charged with developing, adopting, and regulating minimum licensing requirements (MLRs) for State licensed and certified child day care centers and family child day care homes RCW 74.15.030(1)(2). DCCEL is also given authority to inspect agencies (licensed and certified facilities) periodically to ensure that they are in compliance with the MLRs RCW 74.15.030 (7).

1. Child Abuse and Neglect Investigations:

MLRs define a higher standard of care than is expected in a biological family unit. Referrals/complaints alleging that a licensed provider abused or neglected their biological, guardianship or adopted child(ren) are investigated by DLR/CPS.

DLR/CPS staff are responsible for investigating allegations of child abuse and/or neglect in State licensed, certified, and unlicensed child care facilities.

DLR/CPS staff will forward referrals to local law enforcement when investigating allegations of CA/N and there is reason to believe that a crime has been committed.

The DLR/CPS investigator will contact the assigned licensing staff for the facility to gather preliminary licensing history. DLR/CPS and the assigned licensing staff will jointly plan a strategy for responding to any immediate health and safety concerns.

The assigned licensing staff must not convey any information to the licensee regarding the allegations under investigation except as agreed between licensing and DLR/CPS. To do so could jeopardize the safety of involved children and/or undermine the investigative process. Licensing staff are responsible for responding to licensing violation allegations other than CA/N within identified timelines (see page 6 for timelines).

The assigned licensing staff must make every effort to work in a cooperative and collaborative manner with DLR/CPS staff realizing that DLR/CPS staff take the lead in investigating allegations of CA/N in state licensed, certified, or unlicensed facilities.

The DLR/CPS investigator must keep licensing staff fully informed regarding child safety issues during the course of the CA/N investigation. The assigned licensing staff will keep DLR/CPS fully informed of any issues related to the CA/N referral/complaint or other issues involving child safety.

2. Ongoing Risk Assessment:

The DLR/CPS investigator must continually assess the health and safety of children in the facility during the course of the investigation. If the DLR/CPS investigator determines at any time, that a child's safety would be in jeopardy of the facility continued to provide care, the following must occur:

- The DLR/CPS investigator must immediately notify the assigned licensing staff;
- The assigned licensing staff must immediately notify the licensing supervisor;
- The licensing supervisor must immediately notify the field manager of the DLR/CPS recommendation;
- The licensing supervisor and field manager must determine the level of licensing action necessary based on available information. The licensing supervisor and field manager should consult with their local AAG prior to taking adverse licensing action (The most likely course of action would be to summarily suspend the facilities license based on the DLR/CPS recommendation that children are not safe.);
- The assigned licensing staff must provide the names and telephone numbers of parents with children in attendance at the child care (if known);
- The DLR/CPS investigator and the assigned licensing staff must coordinate an effort to contact each of the children's parents to advise them of the risk to their child(ren). (If a license is summarily suspended, the assigned licensing staff and DLR/CPS investigator must work collaboratively to inform parents immediately and ensure that children are not left in the care of the licensee.)
- The licensing supervisor must complete a "critical incident report" as soon as possible if a child is seriously injured and/or a facility's license is summarily suspended.

3. Conclusion of DLR/CPS CA/N Investigation

DLR/CPS or DCCEL staff may request a staffing at any time prior to completion of the investigation. The intent of the staffing(s) is to facilitate coordination of investigative activities, enhance sharing of information, and resolution of issues. Strong consideration should be given to holding frequent staffings in cases involving allegations of CA/N by multiple victims in a child care facility.

DLR/CPS or DCCEL staff may request a pre-CA/N finding staffing to review information gathered during the investigation, obtain any additional relevant information and determine whether or not additional investigative activity is necessary prior to closing the case. The DLR/CPS supervisor is responsible for coordinating the meeting once it has been requested.

DLR/CPS staff are required to make CPS findings for each allegation of CA/N(the subject is the person reported to be responsible for the care of a child that has been alleged to have abused or neglected that same child). Findings are related to specific children and specific subjects. DLR/CPS staff are required to make one of the following finding decisions at the completion of each investigation:

- **Founded** – Sufficient information exists to conclude that more likely than not the child has been abused or neglected by the subject;
- **Unfounded** – Sufficient information exists to conclude that more likely than not the child has not been abused or neglected by the subject;
- **Inconclusive** – Insufficient information exists to conclude whether or not the child was or was not abused or neglected by the subject.

At the conclusion of each investigation, DLR/CPS staff are required to complete an investigative assessment or final report. DLR/CPS staff are required to note licensing issues/concerns that become apparent during the investigation. This information is typically recorded in the “Issues and Concerns” section of the assessment.

4. Licensing Complaint Investigations

DCCEL is responsible for investigating allegations that state licensed and or certified providers are not meeting MLRs. DCCEL also has the responsibility to investigate allegations of unlicensed child care. These requirements are outlined in administrative rule or WAC. Licensing staff are given authority to inspect agencies to ensure that they are in compliance with the MLRs (74.15.030,7).

The purpose of a licensing complaint investigation is to determine the validity of each alleged child care center or family child care home Washington Administrative Code (WAC) violation through thorough, impartial assessment of the facts discovered during the course of the investigation.

The licensing supervisor must review the referral/complaint to determine whether or not a licensing violation is alleged. Questions or disagreements surrounding CA Intake decision should be addressed to the CA Intake supervisor on duty. (the licensing supervisor may want to consult with the DLR/CPS supervisor regarding

possible CA/N allegations prior to contacting CA Intake). If the disagreement cannot be resolved, the issue should be taken up the chain of command.

If the licensing supervisor agrees that a licensing violation has been alleged, the licensing supervisor must first consider whether or not the allegation poses immediate health and safety concerns for children. The assigned licensing staff, after staffing with their supervisor, may find it necessary to consider the following options:

- The assigned licensing staff may contact Resource and Referral and place the facility on “no referral” status. This action requires that the facility be notified in writing and offered an administrative hearing if they disagree. This action is taken after staffing with AAG and usually involves CA/N referrals/complaints. Licensing staff must remove the licensee from “no-referral” status as soon as possible when violations have been addressed and facility is in compliance.
- The assigned licensing staff, after staffing with their supervisor and AAG, may initiate a summary suspension in situations where there is a clear and immediate risk to children. Usually this action is associated with child abuse and neglect allegations, however, circumstances could arise that require such action in the absence of an accepted CA/N referral/complaint. The decision to initiate a summary suspension must be approved by the field manager or designee. The licensee must be notified in writing of any licensing action by registered, certified, return receipt requested letter, or the licensing action letter may be hand-delivered by licensing staff.

Note:	The level of AAG involvement in this process varies depending on the location.
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Complaints alleging fraudulent behavior on the part of the licensee must be referred to the Division of Fraud Investigations (DFI). A referral should be made to DFI when:

- Licensing staff suspect that a provider has intentionally made a false statement or omitted information that would affect that person’s eligibility to become licensed as a child care provider. (WAC 388-155-090, WAC 388-295-100, WAC 388-446-0001);
- Licensing staff suspect that a provider has intentionally overcharged the department for child care services;
- Licensing staff suspect that a provider has billed the department for child care that was not provided.

5. *Priority One Licensing Complaints*

- Priority one licensing complaints include alleged WAC violations associated with health and safety hazards, supervision issues, suspicious injury, allegations of unlicensed care, discipline related issues, and/or provider fraud.

Licensing staff must begin priority one investigations no more than five working days after receiving the CAMIS Notifier in Outlook e-mail.

Note:	Timelines may be negatively impacted by investigations being conducted by other agencies such as local law enforcement agencies, and/or DLR/CPS.
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If licensing staff become aware of allegations of CA/N in the licensed facility they must make a report to CA Intake within 24 hours.

The assigned licensing staff must make an unannounced site visit as part of the complaint investigation unless there are extenuating circumstances that prevent the visit. During initial contact with the provider/facility, the assigned licensing staff must explain the nature of the licensing complaint and what to expect during the investigation. The assigned licensing staff must document how and when they notified the provider/facility of the complaint allegations in the CAMIS facility complaint SERs.

The assigned licensing staff must consult with the licensing supervisor to determine whether the unannounced site visit can be waived and document the reasons for this decision in the CAMIS facility complaint record.

Prior to making a site visit, the assigned licensing staff must review the CAMIS and licensing file to determine the following:

- **Is there a history of similar allegations/referrals/complaints?**
- **Are there any waivers in place and if so, what WAC were they related to?**
- **Are there any current or past compliance issues?**

The assigned licensing staff must contact the referent (person making the complaint) when possible, to inform them of the priority status of the referral/complaint and inform them of DCCEL investigative processes. DCCEL staff may not share referent information as required by law, unless the individual indicates they waive confidentiality. (If this is the case, document with an SER.)

The assigned licensing staff may need to review recent facility business records to determine the validity of a licensing allegation depending on the nature of the referral/complaint.

6. *Priority Two Complaints*

Priority two complaints include alleged WAC violations that would not constitute a risk to health, safety and welfare of children if found to be valid after a complete investigation. Priority two complaints include alleged WAC violations not defined as Priority one complaints.

Priority two complaints must be screened-out by the licensing supervisor and should not be investigated by licensing staff. The licensing supervisor should consult with the Field Manager if unclear about the priority status of a complaint. The licensing supervisor must document the decision to screen-out Priority two complaints in the CAMIS facility complaint module (see “Addendum A” for process instructions).

7. Licensing Complaint Investigation Process

The assigned licensing staff must select the alleged licensing violation issues in the Facility Complaint Module after reviewing the referral/complaint. If the assigned licensing staff has questions, they should staff with their supervisor. Licensing complaint investigations can become very complex. In an effort to help sort out process details, the assigned licensing staff should develop a informal investigation plan noting the allegations in the referral/complaint; along with a list of activities critical to the investigation; (example: list of collateral contacts, list of children and/or adults with direct knowledge of the incident etc).

The assigned licensing staff must interview those individuals with direct knowledge about the incident/issues and document statements regarding what occurred. The assigned licensing staff must interview the licensee, and any person(s) reported to have witnessed the issue/event.

The assigned licensing staff should consider interviewing individuals with direct knowledge of related events(such as assistants, child care staff, other parents using the facility, school counselors, nurse consultants, fire marshals, etc).

The assigned licensing staff must observe provider-child interactions and the child care environment when the referral alleges MLR violations related to staff child interactions, program issues, inappropriate discipline, facility environment, health and nutrition or similar issues. If deemed appropriate, the licensing staff should attempt to speak with verbal children about their experiences in the facility. Licensing staff should focus this interaction with children that are reported to have direct knowledge of the alleged incident or issue. If the child reports having been abused or neglected, the assigned licensing staff shall conclude the interview and make a referral to CA Intake. Assigned licensing staff should not attempt to interview children regarding abuse/neglect.

The assigned licensing staff may conduct more formal child interviews regarding alleged MLR violations only with the approval of their supervisor and the parent's permission. Examples include alleged MLR violations related to staff child interactions, program issues, inappropriate discipline, facility environment, health and nutrition or similar issues.

Occasionally, licensing violations may be of a more serious nature and require that a formal interview occur. For referrals/complaints alleging inappropriate discipline, inadequate supervision, and/or health/sanitation issues, the assigned licensing staff should consult with the licensing supervisor to determine whether or not a formal child interview should occur.

The assigned licensing staff must continually assess the health and safety of children in the facility during the course of the complaint investigation. If, at any time, the assigned licensing staff receives information that alleged child abuse or neglect has occurred, the licensing supervisor must be notified and a CPS referral must be initiated to CA Intake. If the assigned licensing staff is concerned that the health and safety of children would be at risk if the facility were to remain open:

- The assigned licensing staff must immediately notify the licensing supervisor;
- The assigned licensing staff must consult with the licensing supervisor, field manager and local AAG regarding appropriate licensing action. (If after consultation, consensus is that the health and safety of children is at risk, the assigned licensing staff must initiate a summary suspension of the facility);
- A Critical Incident Report must be generated to Headquarters in the event of such licensing action. (See Appendix for criteria).

Note:	The level of AAG involvement in this process varies depending on the location.
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Some facility complaint investigations may require additional expertise. Seeking assistance during an investigation can be appropriate when allegations involve medication management, nutrition, emergency plans, fire damage, water/sewer safety, etc. Collaboration may include, but is not limited to the following agencies:

DCCEL Health Specialists
State Fire Marshal
Local Health Department
Local Fire Department
Local Law Enforcement
City Zoning Offices

8. Concluding the Licensing Investigation

The assigned licensing staff must complete all documentation associated with the investigation and record the information in CAMIS facility complaint module within 90 days of receipt of the licensing referral/complaint. The licensing supervisor must note and document in the CAMIS facility complaint record when an investigation will proceed beyond 90 days. The licensing supervisor must document justification for the extension along with the expected completion date.

Note:	Timelines may be negatively impacted by investigations being conducted by other agencies such as local law enforcement agencies, and/or DLR/CPS.
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The assigned Licensing staff must maintain complaint information in the CAMIS Facility Complaint module.

The assigned licensing staff must document the following facility complaint information:

- Allegations of licensing violations noted in the initial referral/complaint;
- Licensing issues identified during the course of the investigation;
- Service Episode Records (SERs) associated with actions taken during the course of the investigation (i.e., licensee interviews, parent interviews, witness interviews, site visits and observations, phone calls, collateral contacts, compliance issues etc.);
- Outcome(s) of complaint investigation, and any actions taken to provide the licensee with technical assistance (i.e., training, counseling, etc.);
- Staffing(s) with the licensing supervisor or field manager;
- Relevant documents reviewed;
- The specific compliance agreement developed for Valid licensing violation issues;
- Any amendment or restriction on the license as a result of the investigation.

Licensing complaints (including a licensing complaint, CA/N complaint or any combination of the two) are not considered resolved until:

- The DLR/CPS investigation(s) and/or licensing investigation(s) are completed;
- The DLR/CPS investigative assessment has been reviewed by the assigned licensing staff and licensing supervisor and all licensing concerns have been addressed;
- All allegations identified as valid during the course of the investigation, have been addressed by licensing staff.

The assigned licensing staff is required to make a decision for each alleged WAC violation noted in the facility complaint module. Each decision must relate to an allegation selected initially. The assigned licensing staff must make one of the following finding decisions at the completion of each investigation for each issue selected:

- **Valid** – Sufficient information exists to conclude that more likely than not, the licensee/facility has violated applicable WAC or RCW.
- **Not Valid** - Sufficient information exists to conclude that more likely than not, the licensee/facility has not violated applicable WAC or RCW.
- **Inconclusive** – Insufficient information exists to conclude whether or not the licensee/facility did or did not violate applicable WAC or RCW.

The licensing supervisor must review 10% of the total complaint investigations closed each month. As part of the review, the licensing supervisor must ensure the following:

- All required documentation is complete and included in the CAMIS record and case file.
- Activities surrounding the investigations were timely, complete and appropriate.
- Investigative timeframe requirements were met.

The licensing supervisor must note in the CAMIS record when a case has been reviewed. The licensing supervisor should choose the SER coded “SR” or Supervisor Review and note that the investigation is complete and accurate. If the supervisor notes issues or concerns with the investigation, he/she must work with the assigned licensing staff to resolve the deficiencies and complete the investigation to the supervisor’s satisfaction as quickly as possible.

C. Compliance Agreements

1. Facility Licensing Compliance Agreements

When it is determined that a licensing violation is valid, the assigned licensing staff must develop a facility licensing compliance agreement in collaboration with the provider/facility.

The compliance agreement is a written document that outlines any violation(s) of the Washington's Administrative Code and the action plan proposed by the licensee identifying the steps that will be taken to come into compliance. The action plan is completed in collaboration with the Department. Compliance agreements specifically document non-compliance issues.

The facility licensing compliance agreement must include:

- Specific WAC reference(s) that were violated/in non-compliance (all issues must be based on WAC);
- Statement of the actual violation/non-compliance issue: (examples: person living in the household has not completed a background inquiry form, the facility does not have a functional smoke alarm);
- Written corrective action plan from the provider/licensee on how they will correct the violation, including the date compliance will be achieved;
- The provider and the assigned licensing staff sign and date the form.

The assigned licensing staff must advise the provider verbally and/or in writing of possible licensing actions and/or civil penalties that will be imposed if conditions of the compliance agreement are not met.

The assigned licensing staff should make every effort to provide the licensee with a copy of the completed facility license compliance agreement prior to leaving the facility. If the facility license compliance agreement is not presented to the provider at the completion of the visit, the assigned licensing staff must verbally discuss the findings with the provider before leaving the facility. The facility license compliance agreement may be developed at anytime during the course of a complaint investigation when valid licensing violations are observed/documented.

After informing the licensee/provider of the licensing violations during the investigation visit, the assigned licensing staff has five (5) working days to write the facility licensing compliance agreement and personally deliver or mail the agreement to the provider.

If there are immediate health and safety violations, the assigned licensing staff must ensure that the provider corrects immediate hazards before leaving the facility. Immediate health and safety hazards include, but are not limited to, such issues as tripping hazards, broken glass, medication accessible to children, guns accessible to children etc. If the identified hazard cannot be immediately corrected, licensing staff must ensure that the area is not accessible to children until corrected.

2. Facility Compliance Agreement Monitoring

The assigned licensing staff must monitor compliance with the facility licensing compliance plan developed between the licensee/provider and the Department. Monitoring activities should reflect the nature and severity of the violation and may include one or more unannounced site visit.

During the monitoring process, the assigned licensing staff may consult with the licensing supervisor and the AAG as needed to assess the situation. Staffing both internally and between divisions may assist in evaluating the information obtained, and assist in decision making on any proposed licensing action(s).

3. Technical Assistance

The assigned licensing staff may assist the provider in correcting the identified licensing issues that are in non-compliance through technical support and assistance activities.

Technical assistance options include, but are not limited to:

- Recommending training;
- Recommending involvement in support services e.g. provider support groups, services through other DSHS divisions such as Developmental Disabilities, Mental Health, services through hospitals, other social service agencies, etc.;
- Providing or recommending information e.g. books, articles or videos on management, parenting, child behavior management, discipline techniques, caring for special needs children, etc.

Licensing staff may offer technical assistance to providers/facilities to help meet Minimum Licensing Requirements and/or for improving their programs, activities, routines, business practices, and other relevant licensing issues.

4. Compliance Resolution

A compliance resolution is reached when:

- The provider has returned the pink Facility Licensing Compliance Agreement (FLCA) to the assigned licensing staff indicating compliance has been reached; and
- The assigned licensing staff does not question the validity of the provider's claim; or
- The assigned licensing staff has completed a monitoring visit and documented compliance in the CAMIS record.

If the licensing staff does not receive the completed FLCA pink copies back by the agreed upon date the licensing staff must:

- Visit the home/center to see if compliance has been achieved; and
- **Develop a new compliance agreement addressing corrections not satisfactorily completed and/ or,**
- Document the licensing action resulting from provider non-compliance.

CHAPTER FIVE

ADVERSE LICENSING ACTIONS & LEGAL LETTERS

An applicant or licensee may be denied a license or a license may be suspended, revoked, or not renewed upon proof that the applicant or licensee cannot meet, and/or has failed or refused to comply with the requirements of the licensing statute, Chapter 74.15 RCW.

If a licensor *or health specialist* finds the health, safety, or welfare of children requires emergency action, a child care facility license may be summarily suspended with review of the supervisor and approval of the regional manager pending revocation proceedings. A letter of summary suspension must inform the licensee of the right to request a stay of hearing. It is illegal for a facility subject to licensing to operate without a license.

The AAG provides legal representation for the Department regarding denial, suspension, and revocation of licenses. The AAG also represents the Department in administrative hearings.

~CIVIL PENALTIES~

RCW 74.15.130 (4) The Department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted the provisions of this chapter...Civil monetary penalties...may be assess and collected...for each day an agency is or was out of compliance...seventy-five dollars per violation for a family day-care home and two hundred fifty dollars per violation for ...child day-care centers...each day upon which the same or substantially similar action occurs is a separate violation..."

WAC 388-150-(092-097) (Centers), WAC 388-151-(092-097) (School Age), WAC 388-155-(092-097) (Homes)

Licensors or health specialists may recommend assessing a civil monetary penalty if an agency fails or refuses to comply with WAC or RCW requirements or with a corrective action plan.

A license revocation, suspension, or modification will not be pursued unless, prior to such action, the provider received written notice by personal service or registered mail of the following:

- a description of the violation citing applicable requirements or laws;
- a statement of specific actions the licensee must take;
- a reasonable date by which the provider must be in compliance;
- the maximum allowable penalty if non-compliance continues;
- procedures for accessing technical assistance and for requesting a time extension; and
- notification of the applicant/licensee's right to an administrative hearing conducted by an Administrative Law Judge (ALJ) which the licensee must request within 28 days of notice receipt.

The licensee is required to post notice of civil penalty in the facility until the Department receives payment. OFR is responsible for collecting payment. The Licensing Policy Manager should be consulted on fines of \$1000 or greater.

Each violation of the law or rule is a separate violation and up to the maximum penalty may be imposed for each violation for each day any of the violations continue.

If there was a previous similar violation, or if the violation observed during a visit poses a danger of death or bodily injury, the Department may impose a civil penalty for such violations with only a brief period of notification prior to sanction application.

~LICENSE DENIAL, SUSPENSION & REVOCATION~

An applicant or licensee may be denied a license, or a license may be suspended, revoked, or not renewed upon proof that the applicant or licensee has failed or refused to comply with the requirements of the licensing statute, Chapter 74.15 RCW.

RCW 74.15.130 (1) An agency may be denied a license, or any license issued pursuant to Chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed ...RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding... (3) ...In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter...the ...decision shall be upheld if it is supported by a preponderance of the evidence"

WAC 388-150-090 (Centers), WAC 388-155-090 (Homes) (2) "The Department must deny, suspend, revoke, or not renew the license of a person who:.... (3) The Department may deny, suspend, revoke, or not renew a license of a person who:... (4) The Department shall not issue a license to a person...(5)..."

WAC 388-151-090 (School-Age) (2) "The Department must deny, suspend, revoke, or not renew the license of a person who... (3) The Department may deny, suspend, revoke, or not renew the license of a person who...

The Department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing is governed under RCW 43.20A.205."

Conviction or a finding of child abuse or neglect by DLR or CPS is grounds for adverse license action.

Definitions of adverse license action are:

Summary Suspension of a License

Immediate action to discontinue facility operation due to risk of imminent harm to children.

Denial of Application or Reapplication

Action taken during the application or reapplication process to prevent a facility from operating or continuing to operate.

Revocation of a License

Action taken to discontinue operation of a facility.

Procedure for license summary suspension and/or revocation is as follows:

- Prior to summary suspension and/or revocation, the licensor ***or health specialist***:
 - ◆ assesses the immediate danger to children;
 - ◆ informs the supervisor, regional manager and Licensing Field Administrator of any serious harm to a child. Serious harm is defined as sexual, emotional or physical abuse or injury that requires medical attention;
 - ◆ discusses the decision with the supervisor and/or regional manager who may consult with an AAG; and
 - ◆ receives approval/disapproval to proceed from the regional manager.

Examples of conditions that typically require summary suspension action are:

- a Fire Marshal's declaration that extreme fire hazards exist which cannot immediately be removed;
- a family member who has committed a disqualifying crime normally lives in the child care home; or
- evidence that a child has been abused and the licensee has not immediately discharged the offending staff member or ensured that the offender is off premises during hours of operation.

When authorized to proceed, the licensor or health specialist prepares a letter of intent to be signed by the regional manager, which if necessary, may combine summary suspension and revocation. The letter must:

- inform the licensee that he/she may no longer legally provide child care and alternative arrangements for the children's care must be made immediately;
- provide reasons for suspension or revocation including citation of specific RCWS and WACs;
- reference findings of the Fire Marshal or DOH if such findings provide a basis for denial, suspension, or revocation and the licensee possesses copies of the reports;
- provide information on the process to request a stay and to request an administrative hearing; and
- be delivered to the licensee in person by the licensor or personally served by an authorized process server. This is necessary because a child care license is not legally suspended until the provider has a suspension letter in hand specifying the provider's procedures for appeal.

After legal notice is served, the licensor or health specialist:

- may inform parents of the license action by meeting them during the facility's opening or closing times and may direct them to child care resource and referral to find alternate care;
- informs the following entities of reapplication denial, suspension, or final revocation of a licensed facility:
 - ◆ Community Services Offices
 - ◆ Child Care Resource and Referral Agencies
 - ◆ Superintendent of Public Instruction (food program).
- updates computer records to record the intended date to deny, suspend, or revoke the license and the date licensing action letters are sent.

The licensee:

- must provide the licensor and or DLR/CPS investigator with current addresses and telephone numbers of parents/guardians; and
- has a right to initiate action to stay the summary suspension.

~VOLUNTARY LICENSE SURRENDER~

A licensee may voluntarily surrender a license prior to expiration.

However, if there are grounds for revocation or suspension, the licensor should not accept voluntary license surrender unless circumstances are temporary, such as a person with a criminal history record briefly living in the home. The supervisor/regional manager must authorize acceptance of voluntary license surrender.

If a licensee voluntarily surrenders a license and subsequently reapplies, all issues associated with the voluntary surrender should be reviewed in determining denial or approval of a new license. Additionally, all circumstances of the voluntary surrender must be recorded in the computer information system.

~ASSISTANT ATTORNEY GENERAL CONSULTATION~

AAGs assist the licensor and management to determine whether there are sufficient legal grounds for license denial, suspension, or revocation. The Department must demonstrate that the licensee is out of compliance with specific WACs or RCWs. AAGs will also expect that the licensor, except in extreme cases, has assisted the licensee to come into compliance.

The AAG can best argue an administrative hearing case if the licensor has factual, complete documentation of interactions with the provider. Documentation must be contained in current and accurate computer SERs.

Case consultation with the AAG is considered privileged, confidential, and therefore is not subject to public disclosure.

~ADMINISTRATIVE HEARINGS~

Letters of intent to deny, suspend, or revoke a license must notify the applicant/licensee of the right to an administrative hearing which the licensee must request within 28 days of letter of intent receipt. If the licensee requests an administrative hearing, except in the case of a summary suspension, the licensee may continue to care for children until the findings and order of the hearing officer are issued. However, in the case of an initial license denial, as distinguished from a revocation or denial for renewal, the applicant may not, in most cases, provide child care pending a hearing.

If the licensee does not request a hearing, the license is denied, suspended or revoked effective twenty-eight days from letter of intent receipt. If the licensee does not request a hearing and continues to care for children after revocation, the Department may refer the case to the AAGs and the local Prosecuting Attorney's office to seek an injunction, where appropriate.

An administrative hearing provides due process for the provider to challenge the Department's decision and is conducted by an ALJ. The ALJ is an attorney who serves as a judge. The ALJ decides whether denial, revocation, or suspension is upheld. ALJs are not employees of DSHS.

The hearing is informal but is conducted in an orderly manner. Witnesses are sworn in, examined and cross-examined, and evidence is introduced. First, the Department presents its case with witnesses and exhibits. The provider may or may not be represented by an attorney but cross-examination of the witnesses may occur. Second, the provider presents his/her case, and the AAG may cross-examine. Facts are established in the hearing and hearsay evidence is generally admissible.

A hearing lasting less than a day is normally audio recorded and a longer hearing is usually recorded by a court reporter.

The ALJ's decision may be appealed by either party to the Board of Appeals, an office within DSHS. The Board of Appeals reviews the ALJ's decision and makes a final decision on behalf of DSHS. The provider may appeal the Board of Appeal's decision to Superior Court.

~UNLICENSED FACILITIES~

RCW 74.15.010 (5) "To license agencies as defined in RCW 74.15.020 ..."

RCW 74.15 WAC 388-150-020 (Centers), WAC 388-151-020 (School Age), WAC 388-155-020 (Homes) (1) "The person or organization operating shall be subject to licensing...unless specifically exempted..."

It is illegal for a facility subject to licensing to operate without a license.

The licensor or health specialist must refer an unlicensed facility case to the supervisor/regional manager:

- if continued operation of an unlicensed facility endangers the health and/or safety of children in care and it is advisable to seek an immediate injunction;
- if the licensor believes an unlicensed facility would not be licensable or there are particularly compelling reasons for seeking an injunction; or
- if the facility is an unlicensed child care center.

A licensor or health specialist who becomes aware of an unlicensed facility must inform the person operating the facility in writing that providing child care without a license is a violation of RCW. Unlicensed child care providers may be unaware of licensing requirements. Therefore, the licensor or health specialist should initiate discussion with the provider in a non-threatening manner. The purpose of the discussion is to provide information and to assist provider in becoming licensed.

The operator of an unlicensed FCC home must respond to written notification regarding licensing requirements within thirty days by either terminating unlicensed care or by pursuing licensure.

If the operator fails to respond and continues to provide child care, the Department may impose a civil monetary penalty of \$75.00 per day. The effective date of the civil penalty is the date of notification to the facility. The penalty may be forgiven if the provider terminates unlicensed care or contacts the Department within thirty days and subsequently obtains a license.

~LEGAL LETTERS~

A legal letter is written to notify the licensee of case facts and relevant laws as well as to notify the court of allegations against the licensee. The letter provides information for the licensee, licensee's counsel, ALJ, AAGs, and other parties including the media.

Licensors *or health specialists* should use sample letters in Appendix B, "Sample Legal Letters" as standards. Regional managers have these letters on disk so licensors can easily "cut and paste" them. If the circumstances are unusual, consult the regional manager.

LETTER CONTENT ALTERNATIVES

Kitchen Sink

Include everything provable at trial relating to the licensee's ability to meet the minimum licensing requirements.

Focused

Include only more important, easily provable violations. Stress the period of time since the last license was issued.

LETTER COMPONENTS

- licensee's current address;
- salutation;
- introductory paragraph:
 - ◆ states the letter's purpose;
 - ◆ states authority for the action;
 - ◆ outlines letter content; and
 - ◆ summarizes important issues.

➤ Fact paragraphs:

- ◆ order of facts:
 - chronological (generally the best choice);
 - most compelling facts first;
 - grouping related topics; or
 - combination of chronological and grouping.
- ◆ who, what, where, when:
 - if the court asked for proof, who would prove it and what would that person say?;
 - identify who did what, when and where;
 - do not name perpetrators or victims of sexual abuse;
 - do not name confidential information sources; however, mandated reporters cannot be confidential referents;
 - do not reveal confidential information such as CPS information; and
 - provide definitions of terms such as founded, unfounded, and inconclusive.

➤ Legal paragraphs:

- ◆ first, list violated RCW and WAC number designations;
- ◆ explain what WAC citations mean in plain language; and
- ◆ photocopy relevant WACs and inform the reader all WACS cited are attached, or put pertinent WACs in the body of the letter.

Examples are:

- The Department may only license an individual and an assistant who has good character and who has the temperament and patience to work with children. WAC 388-***.
- Based on the founded allegations of sexual abuse, your husband clearly is not of good character and does not have the ability to work with children. WAC-***.
- Unlicensed child care is illegal. WAC-***.
- If you continue to provide child care after your license has been revoked, you will be subject to the civil and criminal penalties of RCW 74.15.140 and RCW 74.15.150.
- You have failed to meet minimum licensing requirements. WAC-***.

➤ Appeal paragraphs:

◆ Transition into the appeal process:

An example is: “I have listed applicable facts and laws and if you do not agree with them you have a right to an administrative hearing”.

◆ Explain the appeal process including:

- appeal request must be in writing;
- request must state the basis for contesting the decision;
- request must include a copy of the Department’s letter;
- request must be sent so that it is received at the Office of Administrative Hearings within 28 days of receipt of the Department’s letter and sent in a manner requiring proof of receipt. The address for the appeal request is:

**Office of Administrative Hearings
PO Box 42489
Olympia, WA 98504-2489
(800) 583-8271**

- An explanation that Department’s decision is final if not appealed.

➤ General paragraphs:

- ◆ provide information necessary for the licensee to direct questions including pertinent names and telephone numbers;
- ◆ reserve the right to amend the letter;

An example is:

“Please note that while I have tried to be complete, I reserve the right to amend this letter at any time”.

- ◆ if letter concerns a summary (immediate) action, explain that the licensee has a right to seek a stay (stop Department suspension).

SIGNATURES/ROUTING

- The regional manager signs the letter.
- Attachments/copies are distributed as follows:
 - ◆ copies are sent to the Licensing Field Administrator and to the AAG including a final letter copy so the file can be closed;
 - ◆ a copy is placed in the facility file;
 - ◆ a copy is sent to opposing counsel; and
 - ◆ copies of all WACs cited are attached or included in body of the letter.

~RECORD ACCESS & DISCLOSURE~

RCW 42.17 (chapter) 42.17.280 "State...agencies are required to make identifiable public records promptly available for inspection and copying upon request by any person, unless nondisclosure is required or authorized by law."

RCW 42.17.258 "...agency employees are immune from liability for any loss or damage based upon disclosure of a public record..."

RCW 42.17.325 "Any person denied access to a record by a state agency may ask the Office of the Attorney General to provide a written opinion on whether the record is exempt from disclosure."

RCW 42.17.340 "Any person denied record access may bring an action in Superior Court for review of the agency's decision."

RCW 42.17.340 "...provisions for obtaining protective orders from the court to prevent disclosure..."

Although licensing files are subject to public disclosure, the Department also must protect the privacy of children and families and the integrity of its programs. Unless specifically exempt, all information in Public Agency Files is releasable when a request is received. Making the decision not to release information is often complex and requires AAG consultation on a case by case basis.

Examples of personal and private information the Department has not been releasing are:

- that the child care provider had been raped as a teenager and received several years of counseling regarding abuse;
- background regarding the applicant's upbringing and family when information is clearly of a personal and private nature; e.g. applicant's parent's marital relationship and family conflicts;

- medical conditions of applicants or their family; e.g., applicant's family has a child with Downs Syndrome;
- reports of abuse applicants have experienced in the past;
- sexual orientation of an applicant when not a concern to the public; and
- criminal conviction of an applicant's parents or children unless it directly relates to the application.

Examples of personal and private information the Department has released include:

- generalized answers about the applicant's background;
- experience raising children;
- description of relationship, marital history, individual strengths, and what they are proud of in their life;
- statements by applicants regarding a desire to become licensed providers;
- statements regarding applicant's qualifications, discipline practices, or religious practices;
- autobiographical information that does not seem particularly private nor offensive;
- description of the applicant's home, and medical and other services used to care for children; and
- statements regarding the licensee's willingness to work with parents and agency staff.

At orientation, licensors should inform applicants that the public may access some of the information provided for the application process.

Licensors and health specialists receive verbal and written requests for public disclosure. Frequently, parents call to check on the facility's background prior to enrolling their child but written requests for disclosure can come from a variety of sources, including the media, attorneys, and advocacy groups.

Licensors *(and health specialists ?)* may disclose information verbally regarding:

CPS Complaints

- A summary of founded complaints (do not reveal child's name) and licensing actions taken regarding the incident, along with dates received and dates of determination; however, actual CPS reports are confidential; and
- The number and type of inconclusive allegations, along with dates received and dates of determination.
- Licensors may not release information regarding unfounded CPS complaints.

Licensing Complaints

- A summary of licensing concerns, including number and type, licensing action(s) taken, and corrective action plans;
- Dates complaints were received and dates corrective action plans were concluded; and
- No-Referral Status:
 - ◆ A complaint is under investigation.
 - ◆ The Department is taking action to suspend, revoke or deny a license.

The following guidelines must be observed when a request for written public disclosure is received:

- Each region designates a person responsible for responding to written public disclosure requests. When information is requested under the "Public Disclosure Law" 42.17 RCW, responses must occur within five working days. Responses consist of:
 - ◆ providing requested material, or
 - ◆ providing a date by which the Department anticipates having the material available.

- The requestor must pay \$0.15 per page for copies. All material deleted from files must be identified to requesters and appropriate legal citations provided to explain why the material was deleted.
- Most public disclosure requests will be processed at the regional level. Exceptions include:
 - ◆ requests for reports collected at the state office; and
 - ◆ requests for information from more than one region where consistency of information is necessary.
- Prior to disclosure, material must be reviewed by the regional manager and AAG whenever an issue regarding information release is not clear.
- Copies of information disclosed by regions must be sent to the Licensing Program Manager.
- The Licensing Field Administrator must be consulted prior to information dissemination when:
 - ◆ there is a possibility of litigation related to requested information;
 - ◆ material is requested by a state senator, representative, or other official; or
 - ◆ information is requested by the media and is likely to generate statewide interest.

Information open to the provider also may be shared with other public agencies subject to the same rules of confidentiality.

A child abuse/neglect report or information regarding a child in a licensing file remains confidential. However, when a CA/N allegation involves child abuse in a facility, relevant information regarding licensing is releasable. When a CA/N complaint is founded or inconclusive, information regarding a situation or incident that led to the licensing issues is releasable as well as any documentation of licensing involvement.

Licensing complaints, concerns and actions taken in response to them may be disclosed. Persons who make complaints only regarding licensing issues and mandated reporters are not entitled to confidentiality.

Persons making complaints regarding child abuse and neglect may request confidentiality. Persons who are mandated reporters are not entitled to confidentiality.

When an individual provides complaint information and requests confidentiality, the licensor *or health specialist* must take the following steps:

- Initially delete the name of the individual providing information from material given to the requestor.
- If requester subsequently asks for the name of the person providing information, send written notice to that individual that their name has been requested and tell them if the Department does not receive a court order prohibiting use to release their name, the Department must do so. Inform the AAG that this step has been taken.
- If no court order is received, the person's name is disclosed.

Do not release the following information to anyone except the licensee or person who is the subject of the information:

- medical reports, including counselor evaluations or reports, and autopsy reports;
- criminal history and background checks and self-reported information regarding criminal charges or convictions;
- case history information regarding the child or the child's family; for example, background information about children or the families of children placed in child care;
- copies of any CPS complaints including the actual CPS complaint/report;
- income of licensees; and
- AAG–licensor communications.

The following information can be released from a licensing file:

Police Reports

Police should be notified when a copy of a police report located in a Department file is requested. The police must provide specific legal citations if they want information withheld.

If information disclosure would interfere with an ongoing investigation or legal action by the prosecutor, information can be withheld when such written confirmation from the police or prosecutor is received. The information may be released when the investigation is completed. This is not confined to criminal actions only--the test is whether non-disclosure is essential for effective law enforcement.

Actual CA/N Complaints & Records

Actual CA/N complaints and record materials are NOT releasable. A summary of the complaint with child's name and other identifying information removed is releasable and licensing action taken regarding the incident including recording of meetings between licenser and staff or the provider, or other professionals is releasable. Incident reports are releasable, but identifying information regarding children must be removed.

References

Names, addresses and telephone numbers of individuals providing letters of reference are releasable following the guidelines concerning individuals who have requested confidentiality.

Guidelines for release of personal information include:

- Personal information in licensing files is available only to the Department. Such information may include family background or personal information about life style choices, medical conditions, or other sensitive information.
- Releasing personal information is a sensitive issue and decisions about releasing too much or too little information are difficult because legal guidelines are not clearly defined. Review such requests with an AAG.
- Initial application pending status allows the Department to withhold certain private and personal information when it is not of legitimate concern to the public and was obtained during the initial application process.
- Information obtained once a license is granted is no longer part of our investigation of an initial application for a license and is releasable.

- Legally withheld personal/private information in a licensing file must be of such a nature that it is:
 - ◆ highly offensive to a reasonable person and part of an investigative record but of no legitimate concern to the public;
 - ◆ part of an ongoing investigation and release would interfere with the investigation;
 - ◆ obtained during an investigation that does not affect the status of the license; or
 - ◆ obtained during the assessment period before a license was authorized. An applicant's initial license application provides the basis to investigate the ability to provide minimum care.

Revocation Actions

- Letters of revocation are public documents and are releasable.
- When a request for a revocation letter is received, any identifying information regarding a child in the home is deleted before the letter is released.
- Prior to disclosure of the letter, the provider may be given five days written notice and informed about their ability to seek legal action to prevent disclosure.
- Notice of disclosure will be provided to individuals whose licensing files are being released prior to releasing of the file.
- Notice of disclosure will also be provided to those named in the file who would be significantly impacted by the release of information.

Prior to releasing any record, "an agency has the option of notifying persons named in the record or to whom a record specifically pertains, that release of a record has been requested." (RCW 42.17.340). A CA AAG opinion states that "while not a legal requirement, when a record may be released to a person not the subject of the record, it is a good idea to notify the subject of the record....this gives the subject and author of the record an opportunity to object to disclosure and, if necessary, to file a court action or become a party in any litigation involving disclosure." It has been our policy to provide written or verbal notification of a disclosure request to child care providers who are the subject of the disclosure inquiry.

GLOSSARY

AAG	ASSISTANT ATTORNEY GENERAL
ALJ	ADMINISTRATIVE LAW JUDGE
CA	CHILDRENS ADMINISTRATION
CAMIS	CHILDRENS ADMINISTRATION MANAGEMENT INFORMATION SYSTEM
CA/N	CHILD ABUSE & NEGLECT
CCCC OR 4 Cs	CHILD CARE COORDINATING COMMITTEE
CCDF	CHILD CARE DEVELOPMENT FUND
CCEL	DIVISION OF CHILD CARE & EARLY LEARNING
CDA	CHILD DEVELOPMENT ASSOCIATE
CIR	CRITICAL INCIDENT REPORT
CPS	CHILD PROTECTIVE SERVICES
CQI	CONTINUOUS QUALITY IMPROVEMENT
CSD	COMMUNITY SERVICES DIVISION
CWLA	CHILD WELFARE LEAGUE OF AMERICA
DCFS	DIVISION OF CHILDREN & FAMILY SERVICES
DCS	DIVISION OF CHILD SUPPORT
DDD	DIVISION OF DEVELOPMENTAL DISABILITIES

DEAP	DIVISION OF EMPLOYMENT & ASSISTANCE PROGRAMS
DLR	DIVISION OF LICENSED RESOURCES
DMOS	DIVISION OF MANAGEMENT & OPERATIONS SUPPORT
DNR	“DO NOT REFER” or “NO REFERRAL”
DOD	DEPARTMENT OF DEFENSE
DOH	DEPARTMENT OF HEALTH
DSHS	DEPARTMENT OF SOCIAL & HEALTH SERVICES
ECEAP	EARLY CHILDHOOD EDUCATION ASSISTANCE PROGRAM
ESA	ECONOMIC SERVICES ADMINISTRATION
ESD	EDUCATIONAL SERVICE DISTRICT
FBI	FEDERAL BUREAU OF INVESTIGATION
FCC	FAMILY CHILD CARE
FOUR Cs	CHILD CARE COORDINATING COMMITTEE
FRS	FAMILY RECONCILIATION SERVICES
HQ	HEADQUARTERS
ITD	INFORMATION TECHNOLOGY DIVISION
LHJ	LOCAL HEALTH JURISDICTION

MLR	MINIMUM LICENSING REQUIREMENT
NAEYC	NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN
NAFCC	NATIONAL ASSOCIATION FOR FAMILY CHILD CARE
NARA	NATIONAL ASSOCIATION OF REGULATORY AGENCIES
NASW	NATIONAL ASSOCIATION OF SOCIAL WORKERS
NCCIC	NATIONAL CHILD CARE INFORMATION CENTER
NSACA	NATIONAL SCHOOL-AGE CARE ALLIANCE
OCCP	OFFICE OF CHILD CARE POLICY
OFCL	OFFICE OF FOSTER CARE LICENSING
OFR	OFFICE OF FINANCIAL RECOVERY
OSPI	OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
RCW	REVISED CODE OF WASHINGTON
SER	SERVICE EPISODE RECORD
SSA	SOCIAL SECURITY ADMINISTRATION
SSPS	SOCIAL SERVICE PAYMENT SYSTEM
STARS	STATE TRAINING & REGISTRY SYSTEM

USDA

UNITED STATES DEPARTMENT OF
AGRICULTURE

WAC

WASHINGTON ADMINISTRATIVE CODE

WAEYC

WASHINGTON ASSOCIATION FOR THE
EDUCATION OF YOUNG CHILDREN

WASACA

WASHINGTON AFFILIATE SCHOOL-AGE
CARE ALLIANCE

WFCC

WASHINGTON FAMILY CHILD CARE
ASSOCIATION

WSP

WASHINGTON STATE PATROL

APPENDIX A

COMPUTER & FACILITY RECORDS

RCW 13.50.010 (3) It is the duty of any juvenile justice or care agency to maintain accurate records.

Computer licensing files are licensing records and licensors are responsible for ensuring information in these files is accurate, complete and current.

CAMIS is the Children's Administration Management Information System; "Licensing Procedures" is the part of CAMIS containing both the licensing and complaint modules for licensed facilities.

The purpose of the CAMIS "Licensing" section is to:

- collect standard, accessible data about licensed facilities; e.g., name, address, phone numbers, license type, license status, capacity, and SERs;
- produce standard reports to manage licensing workloads; and
- produce routine letters to providers including license cover letters and reminder notices for re-licensing and fees.

The purpose of the CAMIS "Complaint" section" is to:

- collect data about complaints against licensed facilities or those required to be licensed;
- notify licensors and managers of complaints about licensed facilities; and
- produce standard workload reports to manage the licensed facility complaint workload.

~LICENSE FILE~

RCW 13.50.010 (3) It is the duty of any juvenile justice or care agency to maintain accurate records.

Official licensing records are maintained for each licensed facility. The official record includes hard copy licensing files and computer information system licensing and complaint modules. Licensors use licensing and complaint modules to record licensing activities and complaint documentation.

Licensing files (hard copy) are organized in the following uniform manner:

- Child Care Center and FCC records have four sections:
 - ◆ License Forms section should include:
 - application (most current on top);
 - license (most current on top);
 - licensing letters;
 - health and fire approvals; and
 - documentation of fees paid.
 - ◆ Licensing Procedures section should include:
 - licensing, re-licensing, monitoring checklists;
 - facility compliance agreements;
 - waivers and supporting documentation; and
 - documentation of site visits, phone calls, and collateral calls not related to complaint investigation.

- ◆ “Provider Documentation” section should include:
 - any information or correspondence generated by the provider;
 - staff qualifications and resumes;
 - criminal history including control number and name;
 - references;
 - parent handbook;
 - fire escape plan;
 - floor plan; and
 - health care policies.
- ◆ “Complaint” section should include:
 - module reports and historical “SER” or complaint forms from pre-computer complaint recordings;
 - CPS reports on licensed facilities;
 - computer incident and subsequent reports indicating action taken;
 - complaint follow-up in the computer indicating action taken in response to the complaint or CPS report and complaint resolution; and
 - police and medical reports.

Each file must contain these four sections, but regions may add other sections to fit individual needs. If other sections are added, such as separate sections for health, fire or staff qualifications, they must be clearly labeled. Licensors should purge and reorganize facility files as time permits but always during the re-licensing process.

~RECORD RETENTION~

Licensing records must be retained for one year from date of closure in local licensing offices and three years in record storage, for a total of four years.

Records of denied applications must be retained for three years in licensing offices and then transferred to records storage for an additional three years prior to destruction. Revoked licenses must remain in the local office for a minimum of three years, then transferred to records storage for an additional seven years.

Records of facilities having had a license denied, suspended, revoked, or records of concern may be retained indefinitely in the local CCEL's office rather than being transferred to the records storage. Clearly mark such files "Do Not Purge."

~REQUIRED FORMS~

A list of required forms for licensing purposes is as follows:

Center Licenses

DSHS 10-218	Full
DSHS 10-218A	Initial
DSHS 10-218B	Probationary
DSHS 10-008(x)	Application for Child Care Agency License or Certification
DSHS 10-204	Application for Family Home Care License (Rev. 7/95)
DSHS 14-239(x)	Criminal History and Background Clearance Release
DSHS 10-037(x)	Request for Health Inspection of Child Care Agency (Rev. 8/80)
DSHS 10-185(x)	Family Child Care Home Study
DSHS 10-051G(x)	Child Day Care Center Checklist
DSHS 10-051F(x)	School-Age Care Checklist

Family Home License

DSHS 10-092	Full
DSHS 10-092A	Initial
DSHS 10-092B	Probationary

DSHS 05-010(x)	Exception to Policy
DSHS 05-210(x)	Exception Request
DSHS 10-141 DSHS 10-141A	Facility Compliance Agreement

The following publications are used routinely in licensing, but are not included in this manual because of bulk. For ordering, please contact:

DSHS Forms and Publication Warehouse
PO Box 45816
Olympia, Washington 98504-5816.
(360) 753-1528

DSHS 22-004(x)	MLR for Child Day Care Centers (Rev. 1 /97)
DSHS 22-006(x)	MLR for Family Child Day Care Homes (Rev. 11 /00)
DSHS 22-025(x)	MLR for Child Day Care Centers Caring Exclusively for School-Age Children. (1 /97)
DSHS 22-877(x)	Washington State DSHS Child Care Subsidies: A Booklet for Licensed and Certified Providers (Rev. 1 /01)
DSHS 22-101(x)	Licensing of Facilities Statutes – Chapter 74.15 RCW (to be given along with each application form and appropriate set of MLR) (8/96).